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James of Hereford

Lord James of Hereford in 1900.

LORD JAMES OF HEREFORD

By

LORD ASKWITH

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Cartoon by Sir Bernard Partridge in "Punch." (Reproduced by permission.)

LORD JAMES OF HEREFORD

CHAPTER I

EARLY DAYS

A MEMOIR of Lord James of Hereford was eagerly undertaken soon after he had passed away by the Rt. Hon. Alfred Lyttelton, a much-loved friend and for some years one of his " private devils." The claims of office and an early death prevented Alfred Lyttelton from doing this work, and I, the last of Lord James's " devils," have ventured to take his place. Briefed for the *Times* after the Pigott disclosures, chiefly for the purpose of preparing the final speech, I remained his " devil " till he gave up the Bar, worked, played, shot and stayed with him on many occasions till a few weeks before his death. Thus I knew him for more than twenty years, and joined the band of the many who were devoted to him. Work and the War have necessarily caused delay, until the time has now come when a new generation can read of Lord James and the scenes in which he moved, as history of the past, though some few will still remember him at the time when he was best known to his countrymen.

Born on October 30th, 1828, and dying on August 18th, 1911, Henry James, in his active life, almost exactly covered the widowhood of Queen Victoria and the reign of King Edward the Seventh. The Queen had been a sovereign for four years when James entered Cheltenham College, she had become a widow when he first began to make his mark at the Bar, and he died fifteen months after King Edward's death. Those days, ending but a generation ago, are regarded by some as a time when influence and patronage still ruled, and almost as alien to modern modes of thought and action as the days of Queen Elizabeth. To such persons it may be strange that a man without influence or patronage, without any aid of inherited wealth, should rise by his own ability and exertions to receive offers of almost every great legal post, to have had open to him great offices of state and to become the friend of both these sovereigns. Memoirs of those days open different vistas. This memoir may fill a not uninteresting gap.

Henry James was born and remained a Whig. He said his earliest remembrance was being held up to see the crowd cheering on the passing of the Reform Bill of 1832. The third and youngest son of Philip Turner James, a surgeon and descendant of surgeons living at Hereford, by Frances Gertrude, daughter of John Bodenham of Presteign, Radnorshire, he was entered in July 1841 at the new College founded at Cheltenham for the sons of professional men. He arrived a day too early, and always was proud of being the first Cheltenham boy. He stayed there four years, shirking his work till, in 1843, the Rev. Thomas Allen Southwood came to the College to be Master of the Military and Civil Department. Southwood at once attracted the boys of Cheltenham, inspired them to work, and taught them to play cricket. James became his devoted pupil. To him he owed the power of application and interest in work, as well as how to hold a bat and keep wicket, a lively dark-haired boy, already declaiming " in his night-shirt in the dormitory " against the Corn Laws. In succeeding years he collected elevens of old boys to play the school, he aided every school effort and many Cheltenham boys, and as President of the Council of the College and in 1889 President of the M.C.C. kept alive close links with Cheltenham and cricket.

Leaving in 1845, his great wish was to go to the Bar, but his two elder brothers, Gwynne and Frederick, were to be solicitors, and his father feared the cost and the delay. And so, on September 6th, 1845, being not quite seventeen, young James was apprenticed to Henry Oliver Robinson of Mill Wall, Poplar, Civil Engineer and Constructor of Machinery. He lived in small lodgings by himself, and though in October life must have been brightened by winning £6 10*s*. 0*d*. in a Leger sweep, he received a very small allowance and opened the New Year with 18*s*. 6*d*. in hand. Although he worked hard he did not find the work congenial, but he learned self-reliance and independence, and the knowledge of artisan life proved to be very useful when he was acting at a later date as arbitrator between employers and employed. He made friends, and became president of a debating club, began to read such law books as he could get at, and whenever possible went to a law court. Twice he wrote to his father begging him to allow him to venture on the law. The first time there was a refusal, but he renewed the request, and backed by his mother obtained release from his apprenticeship on December 23rd, 1848. Mr. D. Hughes, a member of the firm of Overton and Hughes, solicitors, of Old Jewry, seems to have known him, noted his studies and supported his plea. His mother, however, was the chief cause of the change. This lady, small, graceful and alert, with vigorous constitution, strong intellect, fervent religious faith and wide sympathies, was adored by her family and particularly by her son Henry. His father died in 1861, but she lived to her 99th year. To the end of her long life James always went to Hereford for Christmas, wrote to her, asked her advice, and deeply revered her. To her he ascribed specially all his success in life.

Once free from the workshop, James ate his legal dinners as a student and studied hard. In December 1851 he gained a prize of books from the Benchers of the Middle

Temple. "It would have done your heart good," wrote an uncle, Mr. F. L. Bodenham, "to have seen your mother's countenance lighted up on the occasion of hearing the news." In 1852 he was called and on March 10th, 1852, received at his chambers, 2 Fig Tree Court, an intimation that he had been admitted to the Oxford Circuit, which brought him to Gloucester and Hereford County and Hereford City sessions. There a friendly solicitor must have given him a small brief or two, as he earned nine guineas in his first year. In London he earned fifty-four. In less than ten years he was earning over £2,000 a year in London, and about £500 on circuit, these sums being increased subsequently year by year by £1,000 or more increase in each year.

A friend, Serjeant Talfourd (afterwards Mr. Justice Talfourd), gave him the good advice to attend the old Mayor's Court. The Court was doomed to extinction, no young barrister practised in it, the work was shared between a few aged men skilled in its very special pleading and intending to retire. James attended it assiduously, devilling where he could, getting briefs if he could, and finally carrying with him work from the solicitors practising there when its cases were transferred to another court. Amongst these was the firm of Messrs. John Hollams & Co., great commercial lawyers, who briefed James on his own merit throughout his career. At Talfourd's "pleasant and miscellaneous parties of a hospitable, delightful and accomplished man," as Mr. Birrell describes him in "English Men of Letters," James was a welcome guest, and by wit and never-failing cheerfulness he made hosts of friends amongst authors, actors, and many others besides rising lawyers. William Hazlitt was one. He became and remained a friend of the Dickens family. "Egyptian Hall. We are all going away Saturday morning," wrote the late Mrs. Perugini, then a young girl. "Mamie and I leave town by the twelve o'clock train.

We should be very glad indeed if you would meet us at London Bridge and see us all off. I am going to give you a beautiful present on Saturday. Yours very truly, Katie Dickens." Becoming a member of the Garrick Club, he made more friends, went often to the theatre, had little parties at his chambers in New Court, and thoroughly enjoyed life. By 1866 he had already made a name at the Bar, and was appointed by Chief Baron Fitzroy Kelly to be Postman of the Exchequer, a now extinct office. The Postman, as leading junior, had the right to be first called on for motions of the day, a privilege which led solicitors to give more briefs. "James should not accept such petty office," wrote Baron Martin. "He should at once apply for silk, as I am certain he would double his income by it. I advised him to do so two years ago." Sir Frederick Pollock also could say: "It cannot long be of use to you, and I predict for you all manner of honour and prosperity."

Lord Birkenhead has written adversely on biographies composed of legal cases. The late Mr. A. J. Ashton, Recorder of Manchester, in "As I Went on My Way," has stated: "Most of the time of most leaders is occupied with unreportable cases extremely interesting to the parties concerned, and absolutely uninteresting to the world at large. To turn such events into materials for biography is frankly impossible. Many distinguished lawyers, no doubt, have tried to put life into such dead clay, and with one accord have failed egregiously."

Such useful advice cannot be disregarded, even if there were material. Suffice it to say that the name of James is given as counsel in 215 cases in the Law Journal Reports between 1853 and 1880. The smallness of this number suggests that the great majority of his cases consisted of jury cases involving questions of fact, which would not be reported, neither would cases in the Mayor's Court or arbitration or compensation cases or election petitions. While acting in many commercial cases, especially on bills of sale, and every form of contract and tort, he had from 1863 many large railway cases and numerous election petitions; in fact, a very leading junior practice. It may have been that these last turned his thoughts to Parliament until in 1868 he began to emerge into a wider field of work.

"Mr. Henry James is not distinguished in any way except as a rising barrister with a good practice." He is a "political mute," and only put forward on the ground of "the respectability and worth of his family connections" in this city. Such were the comments made in 1867, when the new Reform Bill was likely to lead to an early election, and when Henry James, after fifteen years at the Bar, was mentioned as a possible candidate for his native city of Hereford.

A better opportunity occurred in 1868, when in May an unexpected invitation came from the Liberals of Taunton. After consideration he agreed to contest the seat on the express condition that no corrupt practices should take place on his behalf. "I told them that if any person spent a farthing on my behalf he should never have it again from me, that I would rather lose the borough than spend a farthing. I also stated that I would make it a rule, if my supporters would allow me, however much it might interfere with my success, never to go to public houses for any votes other than the landlords'." After a preliminary ballot to decide between him and another independent candidate James commenced a canvass on September 28th.

The position in Taunton was peculiar. This ancient borough returned two members, and at the previous election, with an electorate of about nine hundred, Lord Hay and Mr. Barclay, both Liberals, had beaten Serjeant Cox, a Conservative. Serjeant Cox filed a petition but did not proceed with it, a "compact" being arranged in

April 1866 by the sitting members and several leading Liberals, with Serjeant Cox and some prominent Conservatives, that neither at the next General Election nor on the occasion of any earlier vacancy would they directly or indirectly be parties to the introduction of a second Liberal candidate for Taunton, provided a second Conservative candidate was not introduced by the Conservatives.

After this " compact " the petition was not proceeded with, and Serjeant Cox, a native of Taunton and lord of the manor, might well have thought his hope of representing Taunton would silently fructify, if the " compact " had not been resented by many Liberals who had not been parties to it and if the new Reform Bill had not added about a thousand new electors to the register, who found themselves practically disfranchised by an arrangement they had never authorised. These Liberals demanded an independent candidate, and as the compact bound Mr. Barclay, whose seat was deemed to be safe, James had to win his own way.

Speeches, lucid but couched in a legal form which showed some lack of experience, a personal canvass patiently pursued, and genial humour gained him support. In the 'sixties perorations were still fashionable and popular. Each speech ended with some prepared phrasing, of which the following to a gathering of working men on the splendour of Liberal policy may be cited as typical :—

" As I commenced so I conclude, urging upon you the necessity that progress should be made. It is impossible for us to content ourselves with lying down within the shadow of the past. (Hear, hear.) Such rest would be as dangerous as the slumber of the weary traveller on the snow—end in political death. Onward we must ever go, and guided as we must and will be by that safeguard which has been happily given to the country, guided by that light which comes from tradition and the experience of the past, even though our leaders should lead us to leaps in the dark, we need have no fear; for trusting to the good sense and good judgment and honest truth of the English people, surely we may have full confidence that He who rules alike both men and nations will guide this country yet to greater glory, and the people to a truer and purer prosperity. (The hon. gentleman resumed his seat amidst hearty and prolonged cheers, which were again and again renewed.)"

Apart from perorations, the two chief points in his speeches were the Disestablishment of the Irish Church, listened to with scant interest by a Somersetshire audience, and the necessity for a Ballot Act, which roused loud applause. He had also to meet attacks as an alleged adventurer and as inconsistent in political views, both of which were successfully handled, while at the same time the ears of the electors were tickled by great play being made with the title of Liberal–Conservative which Serjeant Cox had assumed.

"At the time," relates James, "when Serjeant Cox appealed to the Conservative electors of Taunton he was a member of the London Reform Club, and very often in his speeches there was an element of the old Radicalism mixed with his newly assumed Conservative faith, and I must say I made the best I could of this instability. I recollect making use with great success of a little simile which I first heard from Sir Henry Hawkins. I told a crowded meeting that in passing by a grocer's shop I saw an enormous glass bottle filled with many substances, some red, some blue, some green, and some yellow, and over this bottle there was a large label 'Try our mixed pickles.' The application was apposite. Next day when Serjeant Cox appeared in the streets he was addressed as 'Old mixed pickles,' and the epithet certainly clung to him till after the declaration of the poll."

On the question of a Ballot he said: "The principle of the Ballot is not the putting of a bean or a paper into a particular box, but it is that a man should be able to vote without fear of the consequences of voting. (Hear, hear.) Of course it is a lasting shame and disgrace that men in this country should not be allowed to vote without interference. (Hear, hear, and applause.) We certainly do not live in days when men can vote as they like openly, and the time seems far distant, although we may discern improvement in this respect. (Hear, hear.) It is absurd to look on the Ballot as an abstract institution; we should look on its practical results. Therefore, whilst I deeply regret the necessity for the existence of the Ballot, yet as I do believe that in counties and boroughs where intimidation and undue influence are used, and used to a greater extent, and that it is impossible otherwise to protect men's hearths and independence against wealth and other undue influence, I say with my heart and soul the Ballot must be the law of this country. (Tremendous cheering.)" The subject came home to the people of Taunton.

The election was drawing near, and in the last fortnight of October an active campaign proceeded. For the first week in November all three candidates had agreed to a week's truce, but when James returned he found there was a change in the borough. He was alleged to have spoken of public-houses without respect, and also to be "mean" because the Liberal Registration Society did not give conduct money for loss of a day's work (or "Barrister Court" money as it was called) to electors, whether they had lost work or not by coming to have their votes registered. From the Conservative Registration Society such money was to be got.

"I was defeated by twenty-seven votes, but soon after the polling day reports were made to me and I learnt that extensive bribery had been resorted to on behalf of my opponent. My canvass had been far more successful than that of Serjeant Cox. I had received upwards of one thousand promises, which ought to have given me an easy victory, but the old habits of the constituency were not to be discarded and it was known that there were voters whose purchase was pretty easy. The proof of this could be established and I thought there would be little difficulty in ousting Serjeant Cox. Yet if I accomplished this result I should not be certain of my own success. The mere displacement of Serjeant Cox would necessitate a fresh election. I knew that a Petition would be unpopular and probably that voters who had voted for Serjeant Cox would repeat their vote. But my reports disclosed some proceedings which caused me to proceed. I learnt that a few days before the election it was intimated to a large number of the electors that payment would be made to any elector who had attended the Registration Court. Now that Court had been held in September and no payment had been made for upwards of two months. Then within a few hours of the polling day a certain schoolmaster was instructed to receive any elector who applied for payment and meet any demands made. A room was opened, and he and his brother there received electors, under the supervision of a well-known Conservative tradesman. On an appointed evening one hundred and sixty electors made their appearance. Many of them had never been near the Registration Court, whilst others had only attended there for a very few minutes. When the electors came to receive payment no questions were asked, but all received five shillings, and the payment of the money was accompanied with the expression of the hope that the elector would record his vote for Serjeant Cox. Now my knowledge of proceedings in Election Petitions made it plain to me that if these facts could be proved a clear case of bribery could be established, and that each one of the persons thus bribed had recorded a bad and void vote. As the majority against me was only twenty-seven I felt I had a fair chance of striking off more than that number of votes from my opponents' poll, which would put me in possession of a majority of good votes. My leading counsel, Serjeant Ballantine, was a careless advocate, slow to design or construct a case, but by word of mouth I put him in possession of all material facts, and insisted that whilst he might keep the whole case open he should really stake all upon the payment of this Registration money. These tactics proved highly successful. It was first proved by several witnesses that the payments had been made to electors and the circumstances under which those payments had been made. Then Serjeant Ballantine, to the astonishment of our opponents, called one of the men who had paid the money, and put him in the witness-box. He was very frightened and dared not deny the truth. He admitted that the evidence given was more or less true, but denied that he had asked the electors to vote for Serjeant Cox. When asked how many electors he had paid he said he could not tell, but he had given a list of them to his superior officer. I knew that by reputation this man was honest, so I whispered to Serjeant Ballantine, 'Insist on having that list, put the officer into the witness-box.' The witness was told to stand down and the officer was peremptorily called. 'Have you got the list?' was the question. 'No,' was the reply. 'Where is it?' was naturally the next question. 'At home,' said the witness. 'Quite sure of that?' said the Serjeant. 'Yes,' he replied. 'Then at once go and fetch it,' said Mr. Justice Blackburn. The excitement was intense, but in ten minutes he returned and produced a soiled note-book, in which were written the names of a hundred and sixty electors with the sum of five shillings entered against each name. We had taken steps which enabled us to analyse this list, and it was shown that the majority had never attended the Registration Court, but they all had voted for Serjeant Cox. My case was immediately closed, and Serjeant Ballantine, now well versed in his facts, was able easily to show that in fact and on authority bribery had been fully established. Twenty-nine electors out of those who appeared in the list admitted the receipt of this payment. Mr. Justice Blackburn proceeded to deliver judgment. He held that whilst exculpating Mr. Serjeant Cox personally, bribery had been committed by his agents. 'The election of Mr. Serjeant Cox cannot stand, for it is shown that his agents were guilty of bribery, in bribing with money to induce voters to vote. To change the seat we must go through the individual cases and votes, to find whether the majority is turned. On that point as yet I decide nothing.' "

Mr. Rodwell, Q.C., counsel for Serjeant Cox, was not prepared to undergo the long scrutiny of individual cases, but at once proposed to put in "a sufficient number of proper votes to give Mr. James a lawful majority." He agreed to striking off eight voters on the ground that they had received parochial relief, and to have cancelled the names of certain voters who had been paid "Barrister's Court" money, although they had not attended the Court. Thus Mr. James became M.P. for Taunton. The cheering and the brass band, it is recorded, were heard nearly a mile off.

"And so it was that early in March 1869 I took my seat in the House of Commons. My position was not free from attack. A Petition was presented by two electors of Taunton alleging that my election had been obtained by means of corrupt practices, but to this Petition I took objection and caused the Court of Common Pleas to be moved to order that it be taken off the file. My ground was that, even if I or my agents had been guilty of such corrupt practices, proof should have been given upon the hearing of the Petition before Mr. Justice Blackburn, and if they had been established I should have been disqualified and the election must have been declared void, but as no allegation of corrupt practices was then made, Mr. Justice Blackburn decided I was entitled to the seat. This was a final decision, and no new trial in respect of it could be had. The case was most ably argued on my behalf by a very rising young barrister, Mr. R. S. Wright, who afterwards became my official 'Devil.' The Court accepted Mr. Wright's arguments and ordered all proceedings under the Petition to be stayed, and thus at length all my anxieties were at an end and I sat in the House of Commons safely and securely as Member for Taunton, some two months after the new session had commenced. As I took my seat by virtue of the amended return of the poll at the General Election I had not to be introduced, but took my seat as a matter of course. I received a hearty welcome from friends whom I knew, and was taken specially to shake hands with Mr. Gladstone.

"I joined a knot of earnest politicians who sat on the front bench below the gangway on the Ministerial side. The principal members of this little coterie were Mr. William Vernon Harcourt, Sir Charles Dilke, the Hon. Auberon Herbert, and Sir Henry Hoare. Of these Mr. Harcourt was the moving spirit, and knew more of political affairs than any of us. His reputation had been established by his letters signed 'Historicus,' and very early he imparted to us a total want of veneration for the occupants of the Government Bench. We certainly were supporters of Mr. Gladstone, but we gave him but little precedence in our estimation of merit.

"Very early in the session the Government authorities paid me a compliment I ought to have been grateful for. On the 4th day of March the Home Secretary, Mr. Bruce, moved that a select committee be appointed to 'inquire into the present mode of conducting Parliamentary and Municipal elections in order to provide further guarantees for their tranquillity, purity and freedom.' On March 16th, only a few days after I had entered the House, I was nominated a member of this Committee, which had to determine the fate of the ballot. It consisted of twenty-three members. Lord Hartington was chairman, and many distinguished men were upon it, amongst them Sir Michael Hicks Beach, Mr. Brand, Mr. Bright, Mr. Cross, Mr. Fawcett, Mr. Gathorne Hardy, Mr. William Henry Smith, Mr. C. P. Villiers and Mr. Whitbread. Our deliberations were long, but I am afraid I was not a very assiduous attendant, for I had for some weeks suffered from illness, and then I yielded to the attractions of my professional duties on the Oxford Circuit. But upon the 23rd of July the Committee made its report, and it was upon this report that the ballot bills were afterwards founded.

"The absorbing subject throughout the early part of the session of 1869 was the Irish Church Disestablishment Bill. I was a mere spectator of the debates and was satisfied with taking part in divisions. Although taking great interest in the proceedings of the session, I purposely spoke but little. My first and almost my only utterance was on the 14th June, when a motion was made for issuing a new writ for the City of Dublin.[1] Sir George Grey opposed the motion on the ground that corrupt practices had extensively prevailed among the freemen of Dublin, and it was in support of this amendment that I made my maiden speech. I abstained intentionally from taking conspicuous parts in debates, in consequence of advice given to me by a very experienced member, Mr. James Clay, who shortly after my election said to me: 'You are a lawyer and therefore have a character to earn in this House, and that is of being a member who never speaks in debate unless he has some special knowledge to impart.' I took heed to this sound advice and followed it.

---

[1] June 1869. Hansard, 196, 1789; July, 97, 970.

"During the session of 1870 I stood still in Parliamentary reputation. The House was principally occupied with Mr. Forster's Education Bill, and upon that subject I was silent. But anticipating future debates, I asserted my opinions in favour of a completely secret ballot when Lord Hartington, in introducing the first Ballot Bill, announced that in order to afford facilities for a scrutiny of the votes delivered into the ballot complete secrecy would not be maintained. I at once took part in the debate,[1] stating my view that a non-secret ballot was a most objectionable proposition, and I certainly in future years acted upon the views I then early expressed. I may add that the Ballot Bill so introduced by Lord Hartington was withdrawn in July."

Before continuing James's story of the following years note may be taken of a journey to France and his position in 1870 and 1871.

The sessions of 1869 and 1870 were largely concerned with Irish affairs, but the interest of the nation was more emphatically given in 1870 to the Franco-German War. James, who had become a Queen's Counsel in the spring of 1870, found himself in August at Spa, and in concert with Sir Henry Drummond Wolff offered to take charge of the articles purchased from a fund for the relief of the sick and wounded in the war, and to endeavour to effect their distribution in the villages around Metz. Obtaining a rough cart and two horses at Esch, they reached Brieg. "It is impossible to describe accurately," he said in an interesting lecture on his journey and the war, at Taunton in October, "the feeling of the French people. It was not one of mournfulness exactly; their state was perhaps best described as resembling that of a person in a house in which a funeral had been going on. They had no information except the official notices placed upon the walls, and these they did not believe. There were plenty of notices of penalties, stating that certain offences would be, if committed, punishable by death; the shops were closed; the men had nothing to do; there were no horses to be engaged; the people were listlessly spending their time, and were, apparently, without hope. The people asked for information. This was seven or eight days after Sedan, and although the official statements of the German Government, conveying the information of the surrender of the Emperor and the utter destruction of his army, were posted up, the people were very loth to believe them. Sir Drummond Wolff had been in the town of Sedan only the day before the surrender, and had seen the French Army in a state of frenzy, insulting their officers and using violence towards them. He had also been in the same hotel with the Emperor when the latter declared his intention of making the best terms he could with the King of Prussia. Sir Henry was therefore able to assure them that he had been an eye-witness of the preliminaries to the surrender and that the news posted on the walls was true, but the people were loth to believe him until assured that Sir Henry was an Englishman. With regard to the Emperor they were all agreed that he had been deceived by those around him, and they expressed some sympathy for the Empress and her young child. When one made an attempt at consolation by reminding these people that they were now citizens and belonged to a republic, they replied that that was no consolation to them; and that was the case wherever we went. They knew nothing of any of the gentlemen who formed the new Government of France beyond a slight knowledge of Jules Favre."

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[1] 9th May, 1870. Hansard, 201, 452.

From Brieg the travellers went to St. Marie and Privat.

"Although our visit to the spot was three weeks after the fight, it seemed as if an earthquake had shaken the village. There was not a roof left upon the houses; the windows had been all beaten in, for the houses had been the scene of a hand-to-hand combat. The flowers had been rooted out of the garden or trampled on, the trees had been utterly destroyed. Only one elderly woman had been left there. We passed through the wreck and ruin of this village to the church and churchyard of Privat, and there was not a tombstone that remained unbroken, and it seemed as if some plough of destruction had been at work over that last resting-place. One stone recorded how beneath it the body of Jean Anore reposed in peace. Well, if ever it could be given to mortal might to disturb soul repose, that day's work must have done it, for after artillery had played upon it for some hours a regiment of Cuirassiers had charged into the churchyard, and there behind the tombstones horsemen with sabre and footmen with bayonet had fought hand to hand, until, as those who had seen and knew stated, more dead men lay upon the turf than had ever been laid below it. The destruction of the church was, if possible, still greater. The roof had gone, and the walls had fallen, except the eastern one, where remained untouched the figure of the Virgin."

They then approached the fortress of Metz. "By the aid of our glasses we could distinctly see the French soldiers encamped before Port. St Quentin, and the people in the town of Metz and cattle grazing in the surrounding fields." Proceeding to Strasburg they passed the first and got between the second and third Prussian parallel, and reaching the top of a low wall, drew the fire of the French, shells bursting just behind them, "the sound of their passing resembling the flight of swallows in their summer evening flocks." After a tedious journey of many hours to Saarbruck and Weissemburg they returned to Spa.

At the end of October James summed up at Taunton the work of the Government and his own action since he had been elected. He defended the policy of the Government over the war. "They gave their moral support to the cause of peace, and they did all that a peace-loving Government could do without leading the nation into war. But were they now to interfere to prevent a continuance of this war? What can England do? She may mediate, she may intervene. If she mediates it must be at the request of the two nations themselves; if she intervenes, it may be by having to carry out her intervention at the point of the bayonet. What right have we now to say to Prussia: 'Hold your hand or by force we will prevent you'? When two nations are at war, and we stand by and bear none of the penalty of it, what right have we to say to the victorious nation: 'You must stay your hand and not reap the fruits of your victories, or you must go to war with us'? Prussia says and says truly, 'You have borne none of this fighting. In these battles our best blood has been lavishly spilt. We were brought into this strife against our will, and now we are reaping the fruits of our victories. What right have you, unless we infringe the laws of humanity, to prevent us from having that which we have so dearly paid for?' If we suggest more than words of entreaty or request, the Prussian nation may tell us, 'If you had known the trouble we had to get this nation down, you would keep her down as we are doing.' Happy it is, as we learn this evening, that words of entreaty and request have been spoken, and that they came first from England, and I hope that ere long by this action of our Government, which we seek to support, there is a fair prospect of peace being restored and this sad strife ended."

After alluding to reduction of expenditure on dockyards and naval stores he claimed that in 1868 the Liberals placed before the country "the promise of a policy they said they would fulfil. Amongst other things promised was the disestablishment of the Irish Church. The year 1869 saw that accomplished. They also promised that justice should be done in regard to Irish land tenure. The year 1870 has seen that fulfilled also." The Education Bill was passed with commending words. "The time has not yet come when you would desire to be rated for compulsory education"; and then the speaker ended with the ballot. He had strongly criticised in the House a bill brought in by Lord Hartington on the ground that it gave imperfect secrecy which could only lead to knowledge of how votes had been given. He now said: "By the Reform Bill of 1868 the mass of men in the country were given a vote, and it has become the opinion of most Liberals as well as of many Conservatives, that the mass of the people should be able to record that vote according to their own opinion, and not according to the opinion of their landlords, customers, or employers, and that there must, therefore, be the ballot enacted as the law of the country. If you take this view of the ballot, I think you will agree with me that the only virtue it possesses is its secrecy; that as it loses in secrecy so it loses in virtue. If you have the ballot without secrecy, you have all the evils of publicity without the advantages of the present system of open voting. The question then, is, what is the form of ballot to be carried into effect? I say that in the form of the ballot you are fighting the whole principle of the question. In private voting without secrecy you have the evils of both systems, and I tell you frankly that I would rather have public voting than a pretence and a sham of that kind."

This criticism of a Government measure bore fruit in the following session when he supported a proposed Elections (Parliamentary and Municipal) Bill on the express ground that Government had now decided on ballot without the scrutiny. He spoke thirty times in Committee, but only once at any length, in opposition to payment of expenses by constituencies, and not by the candidates themselves. This early criticism was not the only occasion when an independence of thought and power of speech began to be noticed. Speaking of the law courts, a critic opined that " Mr. James's oratory is distinguished by a fine-mettled rhetoric, which, while it can rise to a great occasion, never for one moment loses sight of the legal position of his case. He is as fervent in his manner as he is close in his reasonings, and he touches the sympathies of his hearers, while he convinces their understandings. . . . A man who combines genius with law, and law with independence, possesses mighty weapons for the highest and most ennobling conflicts. Mr. James is a brilliant ornament of what ought to be—not for its emoluments only, but for its righteous spirit—a great profession, and apart from his politics, with which we do not sympathize, we would say to that gentleman ' go on and prosper.' "

" Not for its emoluments only " raises the oft-discussed question of earnings at the Bar, and the sums earned by successful advocates at different periods of history. Among the meagre documents James left there is a little notebook showing how in 1851 he received five pounds a month from his family with an occasional tip of a sovereign from an uncle, and lived so closely that he noted each month a balance in hand of half a crown or at most five shillings, and another notebook indicating that in 1871, after twenty years of work, he received professionally £14,000 for the year, and made another £14,000 out of investments and variation of securities, chiefly in the best South American stock of the day.

Another not very friendly critic gives a personal sketch of his manner in Parliament. " Mr. James calls himself a Liberal, although he usually occupies a seat below the gangway. The very first look at him shows that he has made oratory his profession for life. His costume is oratorical. A frock coat, buttoned close, with carefully adjusted wristbands, which gleam to great advantage in the superior passages of his speeches. His style is that of one who has studied style with great care. The hand is elegantly waved when the sentiment is wavy; is brought down with a clean stroke when the sentiment is striking; and occasionally, at proper intervals, both hands are either clasped just below the waistcoat, or put behind the back, after the fashion of the statues in the lobby. Mr. James's mode of constructing and connecting his sentences is strikingly after the orthodox models. Instead of saying that it is impossible to define, detect or punish undue influence, he prefers to say that 'undue influence is an influence which it is impossible to define, impossible to detect, and *impossible* to punish.' There is a fair allowance of thought in his discourses. Some people consider it a great treat to listen to him, and indeed there is a kind of pleasure to be derived from harmonious cadences, accompanied by graceful movements of the body."

These critics did not in fact describe inadequately some characteristics noticeable even thirty years after their passing screeds had been written. They hit off the mannerisms of action and of composition, they noticed the point "never loses sight of the legal position of his case," and observed the pleasure of "harmonious cadences." Any hearer in later days noting, as an example, the difference between Sir Richard Webster and Sir Henry James, Attorney-General and Ex-Attorney-General, would realize that in the last two points lay the strength of the predominance of Sir Henry James.

A special opportunity for independence arose in July 1871, when he attacked Mr. Gladstone for an equivocal speech on a Bill introduced by Mr. Jacob Bright for conferring the suffrage on women ratepayers. "As an opponent of this measure I am not content to discuss the question in the spirit in which it has been dealt with by the First Minister of the Crown. It is our bounden duty to look to the future and see the effect of this and every other Bill which passes this House. The natural consequences of this measure are that any woman, either married or single, may be returned to this House. To balance the Constitution they must be allowed to sit in the House of Lords, and, I presume, to occupy seats on the Episcopal Bench. A still further consequence would be that women must serve on juries, and perform all and every other duty as citizens. If these are the effects of such a Bill becoming law, the speech of the Prime Minister must have been heard with dissatisfaction by all, with sadness by many. To mix up the ballot—a mere matter of procedure—with this great question of principle, is frittering away this discussion, and is almost an insult to those who support the ballot."

There followed a long and reasoned speech against the grant of the suffrage to any women, chiefly on the ground that undue influence, a subject then obsessing his mind, would be brought to bear on persons who had no knowledge of the practical subjects discussed in the House and connected with the army and navy, with commerce, diplomacy and law. "Are they to enter the army and navy, to take their seats in the counting-house, to receive diplomatic appointments, or to assume the wig and barrister's gown? As society is now regulated, women can have no direct knowledge of these subjects. Is it not evident that they must be guided by the second-hand information of others, and not from personal experience? . . . Women not depending upon their own judgments, you are about to create a class of voters upon which influence, which certainly will be undue, will ever be brought to bear . . . and I cannot believe that either now or ever we shall attempt by legislation to alter that position which Nature has ordained, which ages have ratified, and which women have accepted as their true and best condition in life."

Suffrage for women had not, however, been the only sign of independent action. The session of 1871 had been very barren. The reason which James gave was that "by the legislation of 1867 when the constituencies were enlarged and men were bidden 'to get understanding' in order to appreciate the measures introduced into Parliament and the conduct of their representatives, the constituencies were so quickened, their demands from Parliament became so much greater and exacting, that the burden, far greater than any Government had ever borne, was thrown upon those who ruled the country, because in the increased popular wealth and thought, there became greater necessity for legislation, and all these demands were pressed strongly on those who ruled the affairs of the country." But he also added obstruction in the House. Opposition to the Bill for the abolition of the purchase system in the army, opposition to the Licensing Bill, opposition to a proposed tax on matches, and opposition to a clause in a postponed Ballot Bill which would have put the payment of election expenses on the constituencies, were to be cited as causes for the absence of legislation. To these he might well have added discontent on the part of himself and other members. Of the match tax he said that when the Chancellor of the Exchequer (Robert Lowe) suggested that tax, there were some forty members below the gangway, of whom he was one, who came to the conclusion that if the Liberal party had been telling the people of this country that the Government was striving to secure a free breakfast table, it was contrary to that expression to lay a tax upon the match which was to light the fire which was to boil the kettle from which the tea was to be made. He felt he had a right to speak very freely, for he owed no allegiance to

Her Majesty's Government, except when they did right, and he was disposed to criticize them when they did wrong. "The match tax was a scheme which a man of no classical education, but of common sense, would have known was a mean and paltry tax, producing small results and placing itself in opposition to the first instincts of the Liberal party." As to election expenses he admitted that he came to the conclusion that it was an inadvisable step for the Liberal party to take and an unjust one to the ratepayers. Therefore in the early stage of the Bill he took the opportunity of conveying to Mr. Forster, who had charge of the measure, and also to the Secretary of the Treasury, that there were certain members of the Liberal party who deeply regretting that they could not follow the Government in supporting the clause, felt it to be their duty to give a striving and honest opposition to its passing into law. . . . It had been stated that Her Majesty's Government condescended to ask him and the hon. and learned member for Oxford, Mr. Vernon Harcourt, to take the course which they had adopted in reference to the measure, and that they were willing to obey the behests of the Government and become their tools. From his conscience he said from first to last, both as to Mr. Harcourt and himself, that they were placed in honest antagonism to the Government.

"My Parliamentary life," wrote James concerning this year, "really began in the year 1871. It was an eventful year for me. During the spring Mr. James Clay came to me and referring to our previous conversation said: 'The time has now come to show what is in you. You must make a really big speech on some good subject. What would you like to talk about?' I replied: 'Well, there is a debate on Women's Suffrage coming on and I should like to speak against the proposal.' 'Nothing could be better,' said my mentor, and so I determined to speak. Well, the 3rd of May 1871 was certainly an eventful day for me. Mr. Jacob Bright moved the second reading of the Women's Disabilities Bill, and during the course of the debate Mr. Gladstone made a trimming speech. Dr. Lyon Playfair speaking about four o'clock made a powerful speech supporting the Bill, to which I replied.[1] In the course of the debate I ventured to criticise Mr. Gladstone's equivocal position, which I told him was bidding for popularity, and I ventured to suggest to him that if it were true that fame has no present it is equally true that popularity has no future. On a division in which Mr. Disraeli voted for the Bill and from which Mr. Gladstone abstained, the second reading was defeated by 220 to 151. I wish to say no more about this speech except that it certainly changed my position in the House of Commons and that from friends and strangers alike I received much congratulation. Several members informed me that my speech had changed their vote.

"An interesting adventure happened to me on the ensuing Saturday. On that day I dined with Mr. Edward Lawson (afterwards the first Lord Burnham), in Norfolk Street. At that time I had seen but little of social life and knew but few who were present at this dinner. I sat at the bottom of the table and found myself between two persons whom I did not know. The subject of my speech on the previous Wednesday was mooted. I found that my neighbours did not know me, and one of them, whom I afterwards found was Sir Henry Calcraft, let himself go and poured off a torrent of abuse. He said the speech might be clever, but it was a gross impertinence for a man in my position to attack Mr. Gladstone. What business had I to tell Mr. Gladstone that popularity had no future? My neighbour upon my other side defended me. I found out afterwards that he was Algernon West,

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[1] 3rd May, 1871. Hansard, 206, 107.

Mr. Gladstone's private secretary, and it pleased me to hear him say that Mr. Gladstone had told him that my speech was a remarkable effort of argument. Whilst this discussion was proceeding I maintained a solemn silence, but after a time I saw Algernon West's neighbour whisper to him, and I soon discovered that West was kicking away under the table in the vain attempt to stop Henry Calcraft's invective. As these efforts were inflicting considerable physical injuries upon myself and not upon Calcraft I laughingly told the disputants who I was and assured Sir Henry Calcraft that I entirely agreed in all he said. What had occurred spread round the table and everyone seemed much amused. As we were leaving the dining-room Edward Lawson brought one of his guests to me and introduced me to him. He was Sir Edward Bulwer Lytton, the great novelist, and his words to me were those of great kindness and commendation. He said: 'I have heard much of your speech and am most pleased to meet you, for I believe that only once before has a speech in the House of Commons changed votes, that was when Mr. Macaulay moved the rejection on its third reading of the bill that disqualifies one of the judges, the Master of the Rolls, from sitting in the House of Commons. He changed a small minority into a large majority. You did not do that, but I am told several votes were influenced by your arguments.'

"Shortly after making my speech upon Female Suffrage I received a note from Lady Russell asking me to lunch at Pembroke Lodge, as Earl Russell wished to make my acquaintance. This was a great compliment and one I highly valued, for Lord Russell had been a hero in my sight, and I recollect that when a small boy running about the streets of Hereford my strongly engrained Whig principles caused my imagination to depict three great objects of my political life: 1. To be a member of

Brooke's Club. 2. To be welcomed at Holland House, and 3. To know Lord John Russell,—and all those hopes have been accomplished. Well, under the charge of Mr. Lyulph Stanley I arrived at Pembroke Lodge and was somewhat warmly welcomed by Lady Russell. There was a long interval before luncheon was announced, for his Lordship was asleep and it was inexpedient to wake him. At last he arrived and I was placed next him at luncheon. He was almost insignificant in appearance and his mind seemed to be almost slothful in its exercise. The principal subject of our conversation was a comparison of the House of Commons before and after the Reform Act of 1832. Of course Lord Russell was eloquent on the general benefits of democratic representation, but the old House had a great advantage in respect of eloquence. The standard of education and the leisure it afforded gave great opportunities for study and research, so that speeches of a much higher order were delivered than those which pervaded the more democratic House of Commons. Towards the end of the luncheon Lord Russell fell asleep, and being awakened he told an anecdote in some way connected with his slumbers. He told us, with a very grave face, of an Oxford Professor of Greek, who was in the habit of riding a steady old horse every day. But one afternoon the trusted steed put his foot in a drain and the Professor was thrown, falling upon his head. He became unconscious, but upon recovery every word, every character of Greek had been forgotten. But, according to Lord Russell's tale, a strange event happened. Exactly a year after his fall, the Professor again went for a ride upon the same horse on the same road, and the horse again stumbling over the same drain, threw the Professor again upon his head, and strangely enough, when consciousness was restored, all his Greek knowledge came back and he quoted lines of Homer as he was carried home.

"As we walked away from Pembroke Lodge Mr. Lyulph Stanley observed: 'I am glad you so fully accepted the accuracy of the Earl's tale.'"

CHAPTER II

THE GALWAY ELECTION AND CORRUPT PRACTICES

"A FEW weeks after my speech on Women's Suffrage I had another Parliamentary success. In this session of 1871 a second Ballot Bill was introduced by Mr. W. E. Forster. On the motion for going into Committee Mr. George Cavendish Bentinck moved as an amendment that the second reading be postponed until provision had been made for the better prevention of bribery and corrupt practices. At the conclusion of the first night's debate on the amendment I moved the adjournment of the debate and so had to resume it on the 26th of June, and made I believe a speech that dealt pretty fully with the subject. Mr. Gathorne Hardy, then regarded as the best debater in the House of Commons, following me in the discussion, was pleased to say 'that it was expected by those who were acquainted with me that I should offer to the House some remarks of great force and that those expectations had been fully realised.' As the Bill passed through Committee I worked hard both to support and improve it [he spoke thirty times], keeping always in view only one object—which was to make the ballot entirely secret. But all these efforts bore no immediate fruit. As the Bill did not reach the House of Lords until the 8th of August and Parliament was about to be prorogued, Lord Shaftesbury, speaking with great authority, apart from the influences of party feeling, moved that the Bill be read a second time that

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[1] 28th June, 1871. Hansard, 207, 511.

day six months, an amendment which was carried by a majority of forty-nine. The only ground for the defeat of the Bill was that it had been introduced too late to be duly considered by the House of Lords.

"But as soon as Parliament met for the session of 1872 and the Queen's speech had been disposed of, a third Ballot Bill was introduced, the second reading of which was moved as early as February 15th. The opposition to it was but slight, and on the same day the second reading was carried in a very small House, the numbers being ayes one hundred and nine and the noes fifty-one. Upon the motion for going into Committee on the Bill an amendment was moved to provide that all the expenses of the returning officers at Parliamentary Municipal elections should be defrayed by Parliament. I made a strong speech against this proposition,[1] supporting the present system of the payment of such expenses by the candidate, contending that such payments were a guarantee that the candidate was a person of substance. Both Mr. Gladstone and Mr. Disraeli opposed the amendment, which was defeated by three hundred and sixteen votes to fifty-four. I may add that my attention having been called to the large and unchecked expenditure by returning officers charging it to candidates, I, in the year 1875, introduced and carried a Bill limiting the charges that could be made to sums fixed by a schedule. This controlling measure was somewhat drastic, for it reduced the previously unchecked charges, made according to the fancy of the returning officer for his own benefit, to very narrow limits."

James left no further notes on this year, but two speeches brought variance both with Mr. Disraeli and Mr. Gladstone. The Disraeli incident arose in June. James, returning thanks for the House of Commons at a dinner in Bath, criticized the absence of useful policy on the part of the Opposition as compared with the measures, particularly the Ballot Bill, which the Government had sponsored. In a condensed report he was reported to have said that "the Conservative leader stood in that favoured county of reaction, in Lancashire; the great men of the party there gathered round him; Chairman and deputy Chairman and Committee men, and societies and district societies, and members of district societies were all gathered there round him to hear to what extent he would carry out his reactionary policy. And it came to this--this reactionary policy consisted, as he said, above all things, *sanitas sanitatum*—his policy was a policy of sewage. (Loud laughter and cheers.) And when he came to tell those who listened to him of either of the measures he would repeal or the measures he would stay, there was not one Liberal measure, which had so ruined the country, as they told us, that he would have repealed, and not one word did he tell us of how he would wish to stay the ballot."

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[1] 14th March, 1872. Hansard, 209, 1989.

The phrase "policy of sewage" was one which stuck, and it roused Mr. Disraeli, who so adroitly turned the tables by saying, at the Crystal Palace, that it indicated Liberal opposition to matters connected with the welfare of the people, that a reply had to be made. James excused the phrase at great length before his constituents at Taunton, in the course of his remarks stating that in referring to Mr. Disraeli he was doing so in no hostile spirit of criticism. "The right hon. gentleman had treated him with rare consideration and courtesy, and he felt that it was but proper that he should speak of him with a deference which his position and his high talents entitled him to receive; but, in speaking of him at Bath, he did point out that, whilst Mr. Disraeli had in Lancashire summoned round him the strength of the Conservative party in that great county . . . to listen to a speech which exceeded three hours in duration, all that they could learn from that gifted statesman was that the Conservative party were desirous to see sanitary measures carried into effect, and he thought it right to term that policy a policy of sewage. Now, shortly after, Mr. Disraeli at the Crystal Palace thought it right to honour him sufficiently to refer to the words and to say that whilst to a Liberal member the condition of the working classes might be immaterial, yet to the men who had to see fever in their homes, and their wives and children stricken down, the consideration of such measures must ever be an earnest anxiety. If that was meant to convey that he had sneered at the necessity for sanitary measures, the right hon. gentleman misunderstood, and therefore misrepresented him, for he had attempted to convey, and thought he had clearly done so, that what he objected to was, that a great party which sought to rule this country should have no principles to guide them and refer to no measures they should carry, save the improvement of the condition of the habitations of our towns. . . . He declared most solemnly that the care of sanitary measures appeared to him to be not a subject for a sneer, but one which should receive full and entire support from either party which might govern this country. The Government had introduced a Bill for the local management of houses, so as to effect sanitary measures, and were pledged to other improvements. With the Tory party not only was the sanitary measure the only one they had to propose, but it was the only one during the past four years they had produced or were likely to produce."

As regards Mr. Gladstone the reflection was more indirect than direct, as a rebuke to the reserve and delay which led many to believe that the Government, in their anxiety for votes, disapproved of the action of Mr. Justice Keogh on the Galway election petition and the strong language used by the judge with reference to the Irish priesthood in the hearing of that petition. It was thought that Mr. Gladstone was showing subserviency or at least sitting upon the fence.[1] In July Mr. Isaac Butt, member for Limerick, brought forward a motion "to consider the report of the Address delivered by Mr. Justice Keogh on the occasion of delivering judgment on the trial of the Election Petition for the County of Galway, and the complaints that have been made of the partisan and political character of that judgment and Address." It was on this occasion that James made a notable speech, which at once brought him forward to the notice of the nation. There was also the parliamentary result that the motion for the adjournment of the debate was negatived by a large majority, the effect being the defeat of that motion. James had studied the 29,840 questions and answers given at the hearing, and uttered a most masterly synopsis. It must have been well delivered, or so many quotations would not have been patiently heard or created such an effect. The manner of arrangement, too, was clever. After alluding to the fact that the judge was a Catholic, trying and passing sentence upon Catholics, a Liberal discussing the acts of Liberals, a judge who sat upon the bench, whose conduct had been unchallenged, especially in election petitions, James suddenly hit straight out in a definite charge which at once earned the close attention of the House. "I charge," he said, "the Roman Catholic clergy in the county of Galway that they, with plot and plan, with premeditation and consideration, determined to usurp and seize upon the representation of the county, to the exclusion from the exercise of the franchise of the electors of the county; and they did it with the knowledge and the full assurance that when they did so, and in the doing of it, they would contravene the common law of the land, they would break through an express enactment, and they would set at defiance the rules and ordinances of their own Church." Then very quietly the speaker traced how Captain Nolan had withdrawn at a previous election on the bidding of the Archbishop of Tuam, but had received a promise or a covenant that he would be supported at the recent election; how the Archbishop, the Bishop of Galway, and the recently chosen Bishop of Clonfert had endorsed the support; how the latter Bishop had published a circular ending with the request that at this crisis "no clergyman will be found apathetic or indifferent. His lordship is fully confident that the people will fearlessly sustain the united prelacy and priesthood of this great Catholic county." After a strong attack upon the Bishops there followed an interlude showing the law as laid down by Irish judges in previous cases, and then he passed to the priests. "Sixteen priests whose conduct was the most flagrant, when challenged by name, by time, and by the place where they made those altar denunciations, never appeared in the Court-house to deny the statements against them. . . . One priest declared that any man who would vote for Captain Trench would go down to the grave with the brand of Cain upon him and his children after him; that any man who would not vote for Captain Nolan was an emissary of the Devil. Another priest said that any man who voted for Captain Trench should be shunned as if he had small-pox or typhus fever. Another priest said that the finger of scorn should be pointed to any elector who voted for Captain Trench; that he should not be counted worthy of association with his fellow-parishioners; that woe be to those persons in the parish who dared to give him their votes; that those who voted for Captain Trench would be helping the enemies of the Roman Catholics to keep their feet on their necks, and that Catholics who did that would be sacrificing their eternal salvation. Another priest said that any renegade Catholic who voted for Trench would be a disgrace to his Church, to God, and to his country, and would go to hell. He added that he would like to have the name of any man who voted for Trench, and that he would not say Mass for him during his life. . . . Such were the altar denunciations which preceded the election, and they were conducted on a fixed plan. They lasted for three Sundays—January 21, January 28, and February the 4th, the Sunday immediately previous to the election. During these three Sundays these denunciations were continued, not spoken in the heat of the moment, but systematically repeated week after week, and the Bishop of Galway wrote: 'Perhaps it might be desirable that two or three priests, as you may arrange and select at your meeting, would accompany each parish priest or administrator in his parish wherever any doubt exists, in order to prove to those doubters that none of the clergy are apathetic. . . .' He could honestly say that if he had presided as judge at the trial of the Galway Election Petition, he should, so far as he was able to form an opinion, have done as Mr. Justice Keogh had done." Although he stated he was not prepared to adopt some of the language which the learned judge had used he concluded a speech which was received with loud cheers from all parts of the House by saying: "It was no part of his duty to defend Mr. Justice Keogh, but never had a judge, he believed, been more unjustly assailed. There were still graver questions than that which were involved in the question before the House. There was a time when under the old battle cry of civil and religious liberty, great battles had to be fought, and great victories had been won. The time would appear to have come again when these battles would have to be renewed, and it was not to prosecutions or to the chance verdict of a jury that we must look for the correction of evils against which the judgment of

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[1] 23rd July, 1872. Hansard, 1819–1834.

Mr. Justice Keogh was directed, but to public opinion as freely expressed in debate within the walls of that House. He knew full well how weak were his words, but the voice of Parliament was strong, and that voice, uttered as it would be, he hoped, with no uncertain sound that night, would be sufficient to teach a proud priesthood that within those realms we owed no allegiance save to our sovereign, and no obedience except to the law."

As for the rest of the session, a Scotch Education Bill, a Mines Regulation Bill, and a Licensing Bill had been passed, but James had been chiefly occupied with the Ballot Act, though he did not approve of all its clauses, and particularly a private Bill of his own drafting for preventing corrupt practices at Municipal Elections. By strenuous efforts he got this Bill through the House, and received the very unusual, if not unprecedented honour of a private Bill being specially mentioned in the Queen's speech: "Although you have been unable during the present session to mature any measure directed against corrupt practices in the choice of Members of Parliament, I observe with pleasure that the cognate subject of Municipal Elections has had your attention, and that you have presented to me a law which is well calculated to check existing evils and which provides a tribunal for trying the validity of such Elections."

CHAPTER III

SOLICITOR-GENERAL AND ATTORNEY-GENERAL, 1873

Independence of Mr. Gladstone was visible again in the session of 1873. In seeking for reductions the Treasury had evolved a pretty little plan for reducing the travelling allowances of County Court judges. Although by a minute of 1852 a commuted allowance had been fixed, a judge had been appointed in 1870 with a new understanding that he was to be allowed a less sum, on the supposition that he lived near the town where he would sit most frequently. Accounts were kept, and a new scale was promulgated suddenly in a Treasury minute of 22nd June, 1872. On 4th March, 1873, Mr. James moved that the application of the Treasury minute of 22nd June, 1872, to judges appointed before 17th September, 1870, would be unjust and inequitable.[1] In a crowded House, with County Court judges swarming in the lobbies, James made a definite attack upon the proposal. It was rumoured that the Chancellor of the Exchequer was going to accept the motion, but James wished to have a pledge that the attempt would not be repeated, and this the Chancellor of the Exchequer refused. The motion was then proceeded with. He said that judges were given £1,500 a year and an allowance for travelling expenses instead of giving particulars of extra expenses. There was a contract binding in honour, and the amount could not be reduced without warning, simply because travelling was cheaper. Judges gave up lucrative practices to which they could not return like commercial travellers or domestic servants. They were not to be discouraged by breaches of faith and should be free to choose their own residences, particularly as residences arbitrarily fixed would cause high inconvenience.

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[1] 4th March, 1873. Hansard, 214, 1289.

The speech was calm, clear, and firm, and listened to with attention and much applause. It roused the wrath of Mr. Gladstone, who got up, " white with rage," and attempted to quash the speaker, who parried again and again, to the delight of members. Mr. Gladstone spoke of him as " the hon. and learned member," until a hint from behind caused him to resume once more the phrase of " hon. and learned friend." Mr. James won, and it was variously said that he was " one of the few really flexible and brilliant debaters among the younger men of the House of Commons," that he had shown once more that he had " the ear of the House," and that he was regarded by Mr. Gladstone as " the naughty boy." As he went out of the House his old friend, Mr. James Clay, said to him, " Well, you have had it your own way, to-day, but I hope there will be no vacancy in the Solicitor-Generalship for some time to come."

It was therefore a surprise that Henry James was offered and accepted the office of Solicitor-General when Sir George Jessel became Master of the Rolls on the death of Lord Romilly in September 1873. It was said that the Attorney-General, Sir John Coleridge, had claimed the Rolls, but had stood aside at Mr. Gladstone's request. Mr. Gladstone may have desired to restrict opposition and at the same time strengthen the Treasury bench, but the appointment was regarded as a bold proceeding. The Government had been losing seat after seat. Mr. Gladstone had already once proposed to resign on the defeat of the Irish Education Bill in March by three votes. James had only won Taunton by a majority of two votes, after a scrutiny. The new election which James had to seek on taking office under the Crown, was regarded as a test election. If James was beaten, the Government must go; if he won, they might survive for another session.

The *Times* devoted their first leading article to the subject. "A general agreement," they stated on September 26, "will be expressed that the dignity could not have fallen upon worthier shoulders. At the Bar and in Parliament Mr. James has displayed that forensic learning and political capacity which should be united to characterize the holder of so important an office. Always distinguished as a sound and erudite lawyer, he has more than once shown marked ability in aiding the progress of great Liberal measures through the House of Commons, while his loyalty to the cause of every good reform has been enhanced by proofs repeatedly given of self-respect and independent judgment. His personal qualities, it may be safely added, are such as will ensure an approval of this nomination from the profession, and with these few remarks upon an unimpeachable choice, we might in ordinary times have announced and dismissed the event. It would have been enough to observe, in conclusion, that legal reforms of a judicious and useful kind might safely be expected from the new Solicitor-General, and that the Ministry could not fail to be strengthened by his personal popularity. But these are not ordinary times, and the aspect of this appointment which will elicit most enthusiasm is not the individual but the electoral one."

The article then mentioned that Renfrewshire and Dover had each replaced a Minister by a Tory. There might not be substance in the constant talk of "a Conservative Reaction," but the appeal to Taunton would bring the question of "the reaction to the point of proof, and we publicly assert the fact, and are glad to see the battle fairly delivered." The borough must and will vote "under a peculiar responsibility and with the eyes of all the country bent upon it."

James lost no time in pursuing his candidature. Out of a population of 15,466 there were 1,977 registered electors; so that a strenuous campaign, where every vote was of the utmost importance, had to be commenced. He came so quickly that his supporters did not meet him at the station. The Conservatives were anticipated, but they were determined to contest the seat, Sir Alfred Slade, a Somerset man, being selected for the attempt. On the night of his arrival James made a thoughtful speech. " He had given Her Majesty's Government, believing it to be in the main a Government composed of men who were actuated by the highest motives, and liberal and true in intention and principles—he gave the Government full support; but he knew too, that he was often, when he differed from the Government, unsparing in his opposition, and that to the last days of the past session he was not always a friendly critic. He could say, without fear of contradiction, that he had stood at the beck of, and had accepted the beck of, no Minister, and that he had given no vote, and had uttered no word but what he believed to be true. He recollected some words, which were uttered by a Somersetshire clergyman, a Liberal, who speaking in that very hall and from that platform—he referred to the late Sydney Smith—said truly, ' There is only one principle of public conduct—do what is right; take place and power as an accident. Upon any other plan office is but shallowness, labour and sorrow.' He had accepted that Somersetshire advice, and he now, alike in accepting the office, and the way in which that office had been obtained, felt that with a clear conscience he could say to every one who had watched his career that he had betrayed no trust to them, and had not been guilty of one act that they would censure. With a clear conscience, so far as he was concerned, he asked them to ratify his appointment, and without their ratification he was powerless." He insisted that, as a whole, the Government had performed its promises, and he was not ashamed to belong to such a Government.

Another leading article appeared in the *Times* next day. "The speech of Mr. James is able and spirited, the Government could have few better advocates, and if speeches ever changed votes at election times, we might expect that the borough of Taunton had been won. It is a speech strong, not only in the skill of its arguments, but in their intrinsic truth. The address had a certain character of apology, for the Government has been violently assailed, its chief members have been decried and lampooned beyond modern usage, and the Opposition has been so conspicuous of late that no one can tell how soon the Premier will be forced to choose between a resignation and an appeal to the country."

"Lampooned beyond modern usage" was certainly the line taken by the Conservatives, especially by strangers brought to speak on their behalf, at the Taunton Election. James was actually called "the slave of Mr. Gladstone," and the Liberal Government denounced as "atheists and devils" for passing the Education Act. James, fighting by himself, and avoiding aid from outside, answered the attacks with singular moderation and personal courtesy. He never allowed his temper to give way under the rudest provocation, but occasionally anxiety was apparent. It was the first Election in Taunton under the Ballot Act, and very clear instruction was given on the method of voting. "We know not under the Ballot what one vote may do," he said. "The Election may turn upon it, but I have great grounds of confidence in the feeling of affection of the men with whom I act. I cannot believe and shall not believe that here in the midst of this Parliament, for which I have hardly toiled and striven, the electors of this borough, ere the time of this Parliament has come, will treat me as a drunken servant, and dismiss me without notice. I cannot believe that I shall be driven from this borough." Meanwhile every paper in England was discussing the possible result and weighing the interests which might affect the candidates, until on October 13, the result was declared, for Mr. Henry James, 899, for Sir Alfred Slade, 812, majority 87. The result of the poll was, by special request, immediately telegraphed to Balmoral, and Taunton enjoyed the consciousness of having pronounced a verdict which all the politicians in England were anxiously awaiting.

The method of his appointment and the Election was described by James himself in the following way.

"In September, 1873," he writes, "I was spending the vacation with my good friend Mr. Arthur Bass at Glenquoich, his deer forest in Inverness-shire, when I received a letter from Mr. Gladstone offering, in very complimentary terms, to submit my name to Her Majesty for appointment as Solicitor-General. On the arrival of that letter I retreated to my bedroom and sat brooding over it for hours. I have throughout my life had an overwhelming sense of my own insufficiency, and so it was that my acceptance of this offer stood for some hours in the balance. But my host, knowing that the office was vacant and learning that I had received an official letter, came to my room and forcibly urged my acceptance. In somewhat unpolished language he bade me not be a fool, and asked me, if I refused this office, what was to be the end of my political and official life? And so I resolved to say 'yes,' and wrote a letter to that effect. I was told in Mr. Gladstone's letter to repair to London at once, but I was unwilling to give up a good day's stalking and so did not send off my letter till two days had elapsed. I had a long solitary two days' journey from Glenquoich to London and immediately went to see Mr. Gurdon, Mr. Gladstone's private secretary. I found that my cipher name was the 'Son of John,' and so a telegram was dispatched to Hawarden to know if the 'Son of John' might communicate with his election agents. The answer was that no communication should be made of my acceptance of office until the Queen had signified her assent. But knowing my agent Mr. Burman to be the most trustworthy of men, I sent for him and gave him my confidence so far as to tell him that the office being vacant I thought it possible that an offer of it might be made to me, and I should like to know what arrangements in that event he proposed to make as to my return. He remained in London while we planned out every detail necessary for the purpose, and at the end of some two or three days the Queen's approval arrived. I immediately placed my address in Mr. Burman's hands and despatched him by the night train to Taunton. Early next morning I followed. I found that the excitement in the town was great, for the news of my appointment had in some way preceded me, and so I had to undergo the most enthusiastic welcome. I at once set to work to organize my forces, as I knew the contest would be a short and sharp one. I soon found out that I had a difficult task before me. Sir Alfred Slade, who had already been accepted as the Conservative candidate, arrived the day after my appearance in the Borough. I was soon able to marshal the forces for and against me. On the one hand my old supporters, the working men, stood true. My appointment also to office was acceptable to the electors. But there were many forces arrayed against me. Those who had been attacked by my Petition in 1869 were still very angry. Some of my speeches in Parliament had given dire offence. My attack upon the Roman Catholic priesthood lost me much support. Two Roman Catholic priests came to aid the resident minister, and every Roman Catholic voter was not only canvassed but threatened if he did not vote against me. Then two skilled female suffragists, one of whom was the sister of Mrs. Fawcett, appeared upon the scene. They followed me as I canvassed and used a special influence with the wives of voters, alleging that I was a bitter enemy of their best interests. I must add here one of the results of this episode. I had to attend a public meeting after a long day's canvass during which I heard much of the sayings of these ladies. Those sayings made me very angry and so I fear I somewhat outstepped the limits of courtesy, for I told my audience that these suffragists were seeking to compensate themselves for being social failures by vainly endeavouring to achieve political success. This saying was not forgotten, and the storm soon commenced to rage. But, although I fought my election single-handed as regards speakers, I had some strenuous assistance from three ladies. Two were the daughters of a neighbouring resident, Mr. Hamilton of Fynes Court, one of whom afterwards became Lady Malmesbury, whilst the second married a Captain Kingscote—the third Miss Elgiva Kinglake, daughter of an eminent resident physician, Dr. H. Kinglake, and niece of Mr. A. W. Kinglake, the historian of the Crimean war. She was without doubt one of the finest horsewomen in England. She first showed her prowess when hunting the red-deer in Devonshire, and afterwards when she had married one of the sons of Lord Fitzwilliam she was apt to show the way to many a field in the 'Shires.'

"A few days before the poll I had to leave Taunton for official business. I had to say farewell, on the part of the Bar, to Mr. Baron Martin on his leaving the Bench. At length the eventful day arrived, and although I was assured that all was going well my own instinct told me that the result would be very close. This was one of the first elections after the passing of the Ballot Act, and so of course it was impossible to know the position of the poll during the day. The voting ceased at 4 o'clock, and glad I was when that hour arrived. I and my opponent attended in the Town Hall at the counting of the votes. There were some eighteen hundred votes recorded, and the ballot papers were counted in three sections. I stood behind one of the tables and there I found myself in a minority. I then went to the second table and asked my agent how I had fared there. His reply was: 'Very badly, we are well beaten here.' For some reason I assumed that being in a minority at two tables I must have lost the election. So I approached my opponent and said: 'Well, you have beaten me, I should like to get away from the crowd before the declaration is made, do you mind retreating with me through the private door?' near which no crowd had congregated. His reply was: 'I will come away with you, but I do not think you are beaten, it is you who have won.' I said, 'I am sure you are wrong, at any rate I am going,' and I did go. I found in my private room some ten intimate supporters, amongst them the three ladies to whom I have referred. When I announced the defeat I thought I had sustained, these ladies burst into tears and showed signs of much and evident despair. One of them threw her arms wildly over the end of a horsehair sofa and sobbed without control. Whilst we were all thus plunged into sadness we heard the rush of the crowd approaching the hotel and shouting my name. The door of the room was partially opened, and a pale face being thrust in, the words, 'eighty-seven, eighty-seven,' were screamed out. 'What do you mean by eighty-seven, you idiot?' and before he could reply he was pushed forward and the door thrown open by the crowd who had invaded the hotel. I then learnt that I had been returned by a majority of eighty-seven, the numbers being James, 899, Slade, 812. It seems that at the two tables I had been in a minority of some a hundred and twenty, but at the third table, where apparently the working men's votes had been counted, I had been in a majority of upwards of two hundred. The reaction was remarkable, tears were quickly dried and people pranced about shaking hands and almost embracing, and then of course I had to return my thanks to the expectant crowd. I may say that this election created intense excitement throughout England. Mr. Gladstone's Government was tottering, and I was a junior member of that Government. Conservatives were full of hope that through my defeat it would sustain another severe shock, but as the accounts of the proceedings of our election were published a good deal of sympathy I think was felt for me. Contrast was drawn in my favour between the different methods employed in the conduct of the election. And so it was I am told that in London and other places the greatest anxiety was shown to learn the result, which of course was made known by placards at the newspaper offices and at the theatres."

During the week of the election James was sworn in as Solicitor-General, but never took his seat in Parliament in that capacity. At the beginning of November Sir William Bovill, Chief Justice of the Common Pleas, died, and unable to oppose the new claim, Mr. Gladstone offered the post to the Attorney-General, Sir John Coleridge. Mr. James succeeded as Attorney-General, Mr. Vernon Harcourt became Solicitor-General, and on December 12, both of them were knighted. Neither sat in Parliament in their new offices, because at the end of January 1874 the Queen dissolved Parliament.

Meanwhile on November 4, a petition against the return at Taunton had been lodged, alleging general bribery, treating and undue influence. The hearing commenced on January 12, 1874, before Mr. Justice Grove, who had never tried an election petition before and was considerably perplexed with it. The seat was not claimed by Sir Alfred Slade, but the petition was backed by two of his chief supporters. Mr. Charles Russell led for the petitioners, Serjeant Ballantine and Mr. Hardinge Giffard leading for the respondent. Before lunch on the first day Mr. Russell, in answer to the judge, said: "We are happy to say that after considering the full facts of the case we saw no proper ground for making any personal imputation." The questions therefore resolved themselves into agency, and as opened chiefly lay upon the point that persons acting in 1868 for Serjeant Cox as enthusiastic Conservatives had been found at the recent election acting as enthusiastic Liberals, and that beer had been largely consumed on the polling day. Mr. Russell had to admit that "some of the most prominent names which would be brought before them in reference to the election of 1873 were amongst the most prominent of those who were mixed up with corrupt practices in 1868," and that much of the evidence had to be paid for and much rejected as designedly concocted. He particularly laid stress on the allegation that James's acknowledged agent was a man of little account, and appeared to have been hand in glove with a publican's son, who set up a hustings opposite his father's inn, spouted politics, and then sent his hearers, amongst whom were men called "roughs" or "watchers" or "lambs," to get drinks.

The hearing with a slow judge lasted twelve days, the charge of general treating being dropped before the close, and the charge of general corruption in the whole of the constituency was, as the judge said, scarcely pressed in the reply. It was a trial involving immense detail from which it would almost seem that the petitioners were taken in by needy and thoroughly unreliable informers prepared to give any evidence for reward or hopes of reward. In fact, in dismissing the charge the judge remarked that some unpleasant disclosures were made by the petitioners' witnesses themselves as to the mode of obtaining evidence, and the impression on his mind was a very painful one. He adjudged that the costs be borne and paid by the petitioners.

James wrote a vivid account of his view of the case. He stated: "The mainspring and zeal of the petition proceeded from the anger of the Roman Catholics on account of my attack on their priesthood when defending Mr. Justice Keogh. The petition was conducted in the most bitter manner. Mr. Charles Russell, a Roman Catholic, was the leading counsel and displayed some bitter advocacy. The solicitor was a Roman Catholic, and the Superintendent of Police, who gave some most exaggerated evidence, was also of that faith. An amusing incident occurred in connection with one of like belief. Pending the petition I received when in London a letter informing me that a certain clerk employed in the suburbs had obtained leave of absence in order to go to Taunton for the purpose of collecting evidence against me. His instructions were to represent himself as my agent, and that he had come to Taunton to obtain evidence on my behalf. The writer of the letter, who declared himself a good Liberal, informed me of the route this gentleman intended to take, which was a circuitous one, and the train he would travel by. A description of his appearance was also imparted to me. I immediately forwarded the letter to my agent at Taunton and requested that every possible care should be taken of him and every attention shown him. My instructions were carried out, and when the train stopped some twenty miles from Taunton, two gentlemen strolled into the carriage where this intended detective sat smoking. They entered into conversation with him and he soon referred to the subject of the late election. The two newcomers expressed the greatest detestation of Liberal principles and for the Liberal member. It only required a little tact and ability and evidence could easily be obtained to unseat me. They were then asked to recommend an hotel of a quiet and retired character and of course they recommended a good Liberal hostelry. The newcomer saw that by the help of his two companions he would easily obtain much valuable information and therefore begged them to call upon him the next day. And this they promised to do. He was asked for his name and gave an assumed one. His real name they knew from the contents of the letter I had forwarded. They parted at Taunton station arranging to call next evening. When the appointed time arrived some thirty Liberal electors of Taunton called at the hotel for the purpose of seeing this stranger. But strangely enough all of them said they knew him, and addressing him by his real name declared their extreme delight at seeing him again, informed him he was looking extremely well, and assured him that they intended to give him a hearty welcome to Taunton. They hoped he would accept their hospitality which they proceeded to administer in different forms and shapes. It was apparently of an affectionate character, and at last this detective had to pray for mercy, which was granted only on the terms that he should return to London by the next train.

"Well, I must admit that when the hearing for the petition commenced I had moments of grave anxiety. Mr. Charles Russell opened a case of some substance, alleging there had been so much treating that general drunkenness prevailed, and also referred in detail to specific acts of bribery. . . . But it was a case to which an answer could be given and I think in the end was given. The Superintendent of Police supported the case of general drunkenness, but he was rudely handled in cross-examination and his exaggerations established.

As to the charges of bribery a denial could be given to most of them and proof of agency was wanting as to the remainder. But the case as proved by the petitioners required to be dissected and replied to in detail, and so my leading counsel, Serjeant Ballantine, was instructed and prompted with the means of making this reply. Great expectations were formed of his opening speech on my behalf and the Court was crowded with an expectant audience. Unfortunately the learned Serjeant had neglected to prepare himself with any arrangement of facts, and so after speaking for a short time he complained of his ill-health and asked if the case might be adjourned till the next day. I was furious and appealed to my able second counsel, Mr Hardinge Giffard, to extricate me from the position I was placed in. My determination was clearly expressed. Ballantine, I said, should have nothing more to do with the case. 'To-morrow morning at ten o'clock you will be good enough to call me into the witness-box and let me state my own case.' The Serjeant was informed of this decision, and going into the witness-box I went through each case my opponents had brought forward and made my reply to it. Mr. Charles Russell cross-examined me with great sharpness, and certainly with discourtesy, but at that time I firmly believed that my election had been a pure one and I answered every question put to me with the utmost confidence. One incident in the cross-examination was that I had written a letter to a man who had voted for me in 1868, but had afterwards resided in Bristol. Russell produced the letter from me to him, from which it appeared that about the year '70 or '71 I had sent him £5, saying I regretted I could not send him more as I had many claims upon me. Russell's suggestion was that the £5 was a payment for the 1868 vote and that the 'many claims' were of a similar character. When asked if I had any explanation to give I said, 'Certainly. In 1868 this man was carrying on a prosperous business and no idea of bribery ever existed. But he wrote and told me that he had failed in his Bristol business, that he was penniless, that his young wife had just died, and that if I did not help him he would have to apply for a pauper's funeral. At the time this man was not an elector of Taunton, and I think I simply did what you would have done, Mr. Russell. I wished to save him from a great grief and a great shame.' I concluded this by saying: 'I know this letter was stolen by one of your client's agents, do you wish to have it back, Mr. Russell?' And the people in Court burst into a rattling cheer.

"On a Saturday we adjourned until the Monday morning so that Mr. Justice Grove might deliver his judgment. As I lay in bed on that morning I received a telegram from Sir William Harcourt informing me that Parliament had been dissolved. But I at once saw that this would not relieve the learned judge from delivering his judgment, and I intended to insist on his doing so. The petition charged that I had been unduly elected and that I and my agents had been guilty of corrupt practices. Parliament dissolved, or Parliament sitting, these charges had to be disposed of. Then too there was the important question of costs, and although it appeared to the public an anomaly that the learned judge should determine that I was duly elected to sit in a Parliament that had been dissolved, yet such judgment was requisite in order to determine the issues raised by the petition, and thus it was that by the decision of this election petition of 1873 I retained the seat which I had gained by the decision in the election petition of 1868. It will be observed from these facts that I never sat in Parliament as the holder of the Solicitorship and Attorney-Generalship offices to which I was appointed in the autumn of 1873. I may add that during the hearing of this petition I suspected that my advisers had grave cause for anxiety, of which they kept me in ignorance, and so it proved. It seemed that during the election of 1873 a foolish young man, having betted largely upon the result, took steps to secure my return. From some source or other he obtained a substantial sum of money which he spent freely in bribes. Some of these proceedings became known to our opponents, a fact of which the young briber became aware. He grew alarmed, and in order to save prosecution opened negotiations with the promoters of the petition. This was a serious matter, especially as the delinquent had been one of my Committee men and would probably be held to be an agent. My advisers naturally became alarmed and so intimated to this young man that it was advisable to make a journey abroad. Reluctantly he consented and a few days before the hearing of the petition he, accompanied by two stalwart Taunton Liberals, arrived at Dijon. The difficulty was to keep him there. The trial of the petition dragged its slow length along and the young briber grew restless and exacting. He knew that he could obtain a large reward by giving evidence against me and also thereby escape punishment, and so he determined to return home and announced that intention to his companions. On the other hand they determined that he should remain, and so, having seen him safely to bed, burnt all his clothes. As he could speak no French and as the hotel-keeper was informed that the young gentleman in bed was a lunatic who had wilfully destroyed his garments, his door was kept locked, and he was never liberated until the decision of Mr. Justice Grove was telegraphed to Dijon. He then joyfully returned to Taunton, where he was congratulated upon the patriotism of his absence.

“ I escaped this and similar dangers, and on Monday

January 26, 1874, the twelfth day of the petition, Mr. Justice Grove delivered judgment in my favour. No charge had been made against me personally for corrupt practices and no proof was given of any having been committed by my agents. But of course Parliament having been dissolved I had at once to commence canvassing for my re-election. On this occasion fortune was on my side, for I and the senior Liberal candidate, Mr. A. C. Barclay, were elected without opposition. I presume that the loss of their petition had discouraged the local Conservatives, and so they reluctantly and sullenly refused to join in battle on this occasion. The unopposed return gave me an undisturbed seat in Parliament until the General Election of 1880."

The sudden dissolution of Parliament attracted much attention. In the previous March Mr. Gladstone had been defeated on the University of Ireland Education Bill by 287 to 284 votes and had treated the result as a vote of want of confidence, but Mr. Disraeli had refused to form a Government, a course fully justified by the result of the General Election in February 1874, and Mr. Gladstone and his colleagues had resumed office. The reason for the dissolution has been often discussed, but James seems to have had a very strong opinion upon the subject. He says: "Shortly after the prorogation of Parliament on August 5, 1873, it was announced that Mr. Gladstone, who had held the office of First Lord of the Treasury since 1868, had accepted a second office, the Chancellorship of the Exchequer. Attention was at once called to the subject by an experienced Parliamentarian, Mr. James Lowther, who asserted in a letter to the *Times* that Mr. Gladstone, by becoming the Chancellor of the Exchequer, had accepted an office of profit under the Crown, and therefore, in accordance with the provisions of the Statute of Anne, had vacated his seat and was bound to submit himself for re-election. As Mr. Lowther pointed out, this was a serious matter enough, for if the contention were true and if Mr. Gladstone sat and voted without being re-elected, he would subject himself to a penalty of £500 for every day he did so. Doubtless it gave Mr. Lowther, who was a most zealous Tory partisan, the greatest pleasure to write this letter, because it was well known that Mr. Gladstone's re-election for the constituency he represented, that of Greenwich, was by no means a certainty. This argument of Mr. Lowther appeared early in the autumn and before I was Solicitor-General. Mr. Gladstone at once consulted an official of the Poor Law Board, Mr. Lambert, who was believed by Mr. Gladstone to have some peculiar knowledge of Election Law. Mr. Lambert wrote a short opinion, stating that the seat was not vacated by the acceptance of the second office. Mr. Gladstone next consulted Sir George Jessel, the Solicitor-General, who agreed with Mr. Lambert. These two opinions were forwarded to the Attorney-General, Sir John Duke Coleridge, who was staying at his country house in Devonshire, and who simply wrote at the foot of the Solicitor-General's opinion 'I entirely agree.' A few weeks after these opinions were given, two vacancies occurred on the Judicial Bench which were filled by the promotion of Sir George Jessel and Sir John Coleridge, and their previous offices thus becoming vacant, Sir William Harcourt was appointed Solicitor-General, whilst I became Attorney-General. Immediately upon my appointment I received the documents relating to the vacating of the Greenwich seat, and I came quickly to the certain conclusion that Mr. Gladstone's previous advisers were wrong, and that the seat had become vacant. When I went to see Harcourt on the subject I learnt from him that Mr. Gladstone had personally shown him the opinions he had received, and that Harcourt, knowing very little of the subject, had incautiously endorsed them, and assured Mr. Gladstone he was quite safe from any penalty from Parliament when it reassembled. Harcourt was always a difficult man to convince that he was wrong, but I hammered away at him and at any rate reduced him to silence, and, knowing my man, I asked him to take forty-eight hours to consider the precedents which I gave him, and also to put in writing the arguments he would be answerable for if he adhered to his first opinion. As soon as I left him I sought an interview with the Chancellor, Lord Selborne, and found as early as September 2 he had been consulted and expressed a strong opinion that the seat had become vacant. It may be gathered also from a letter written by Mr. Gladstone to Mr. Lowe that the latter also informed Mr. Gladstone that his seat was vacant. As I expected, Harcourt sent me a recantation, admitting he could not support the perfunctory opinion he had expressed. Well, what was to be done? If the Law Officers of the Crown signed a written opinion that Mr. Gladstone's seat was vacant, he could not with propriety exercise his right as a Member of Parliament, and so it was arranged that the Chancellor should have an interview with the Prime Minister and by word of mouth inform him of the seriousness of the position. The next person I saw on the subject was Mr. John Bright, who had heard of our opinions and was much alarmed. He asked me what I thought ought to be done, and I suggested that Mr. Gladstone should not take his seat, but that, admitting the subject was one of gravity, some other member of the Government should move for a House of Commons Committee to inquire and report upon Mr. Gladstone's position. 'But what opinion are you prepared to give in writing?' said Mr. Bright. I replied that I would sign an opinion stating that the subject was one of grave difficulty, which ought to be determined by the report of the Committee. 'Cannot you go further,' asked Mr. Bright, 'and say that you think Mr. Gladstone ought to take his seat, and then if an action be brought for the penalties the House would no doubt on the strength of your opinion pass an Act of Indemnity?' I said, 'No, I cannot do that; I think the Prime Minister is disqualified from taking his seat and therefore he ought not to do so. I will sign no such opinion.' 'Well, if you insist on this course,' said Mr. Bright, 'you will have to move for the Committee yourself and give reasons for its appointment. You will have to represent the Government on the Committee as Chairman, and of course care will be taken that the members of the Committee shall be judiciously chosen, and you will then have to argue the case before them and prove that the seat is not vacated.' All this was said in a tone of banter and only half-seriously meant, for although Mr. Bright at that time was a devoted admirer of Mr. Gladstone he would not have wished me for a moment to have stained my conscience on his behalf. I had only one interview with Mr. Gladstone on the subject, which took place towards the close of our deliberations. The general result of the conversation was that he adhered to his opinion that his acceptance of the Chancellorship of the Exchequer had not caused him to vacate his seat, but he did not discuss the matter and simply observed: 'I presume I must yield to the opinion of my Law Officers.' I shortly afterwards had to leave London to attend the hearing of the petition against my return for Taunton, and I heard no more upon the subject until January 26, 1874, when I received a telegram from Sir W. Harcourt informing me that Parliament was dissolved. Of course this Dissolution solved all questions relating to the vacating of the Greenwich seat, for Mr. Gladstone had of necessity to seek election for the new Parliament and thus got rid of all question of disability. As to the causes of the Dissolution, I certainly think that the desire to get rid of the difficulties attending his Parliamentary position on account of his acceptance of office was the chief cause of the Dissolution. Parliament had yet a full year to run before its existence need be brought to a close and there was no particular reason why it should not have run its normal course. It is true that the Government had become very unpopular, but that was no good cause for precipitating a General Election, for Mr. Gladstone must have anticipated that the result of it would bring his Government to a close. In fact it did so, for the ranks of the Liberal party were terribly thin, and so, judging from the opinions of others as well as my own, I feel confident that if Mr. Gladstone had not accepted the second office, the Parliament of November 1868 would not have been dissolved earlier than the end of 1874. I believe this is not an accepted view amongst all of Mr. Gladstone's friends, but I am very confident that I have traced the Dissolution of 1874 to its source."

In publishing his portrait on March 7, 1874, that critical journal, *Vanity Fair*, gives a sketch of Sir Henry James at this time. "Jehu Junior" remarks: "A nervous, eager, honest man, he worked steadily at his business and gradually won for himself a reputation for thorough knowledge of and sound judgment in it. . . . He was known to look at his cases without the usual bias of the advocate, could be trusted to weigh their weak as well as their strong points, and more often than any other counsel would advise that the chances of his client were insufficient. He spared witnesses all unnecessary questions, he became a favourite with judges, and soon acquired a steady and valuable practice. He was given to talking on professional matters with the interest of a man who had thoroughly given himself to them, and he always did it pleasantly and learnedly, while he gained withal a reputation for telling capital stories. Beyond this little was known of him. He was indeed suspected of literature, but nobody could tack his name to any writing, and of politics he was not so much as suspected until six years ago he suddenly went down and addressed the electors of Taunton. Once in Parliament, however, he showed himself to be a man who had thought for himself and to much purpose on affairs of State. He was seen to be remarkably independent, and being judged also to be dangerous, he was, to the no little surprise at first of the Bar, made Solicitor-General, and soon after Attorney-General by a Liberal Government which he had not flattered or gone a hair's breadth out of his way to conciliate. The appointment has been fully justified by his conduct in it; and now at the youthful age of six-and-forty he has attained the distinction of being often coupled with Mr. Huddleston (leader of the Oxford Circuit) and of sitting below the gangway in opposition."

CHAPTER IV

IN OPPOSITION

1874 to 1880

Sir Henry James, with the advent of the new Parliament, which met on March 19, crossed the floor of the House from the seats below the gangway, where the small band of independents had sat, and with Sir William Harcourt sat on the front Opposition bench. This change brought him into closer touch with the leaders of the Liberal party, which was aided by a move on the part of Sir William Harcourt. "Shortly after the meeting of Parliament in March," noted James, "he and I as late Law Officers were summoned to attend a meeting of the former Cabinet and advise upon some legal point. But Harcourt came to me full of indignation. We had been summoned as lawyers only. He knew his own strength and believed that after Mr. Gladstone he was the strongest party tactician upon the Opposition bench, and so he determined to attend all these Councils of war or none. As I had been his Senior Law Officer, having been Attorney-General whilst he had been Solicitor-General, he could not very well demand his right to occupy the position he claimed unless I did so also, and so a letter was addressed to Mr. Gladstone on the part of both of us, refusing to attend the suggested meeting unless we were placed on terms of equality with the late Cabinet and equally with them attended all the meetings. I am not sure we were justified in this demand by precedent, but I knew it was to the advantage of party operations that Sir William Harcourt should share the responsibility of directing them. The reply to our letter was acquiescence to our demand, and from that time forth we were summoned on every occasion that our Cabinet colleagues took counsel together. The session of 1874 was somewhat uneventful. The Liberal party, shattered by its defeat at the General Election, seemed to recoil from very active opposition. Mr. Gladstone was desultory and intermittent in his attendance as Leader of the Party, and a good deal of the labour of opposing the Government fell upon Lord Hartington. The most interesting measure of the session was the Public Worship Regulation Bill. It was a Bill introduced by Mr. Russell Gurney with the object of holding the extreme Ritualistic Clergy in check. Mr. Disraeli as Prime Minister, thinking the measure would be very popular with the mass of the people, gave it a generous support. Sir William Harcourt, a pronounced and devoted Erastian, threw himself heart and soul into the fray as a supporter of the Bill, for it gave the State increased power over the Church. On the other hand, Mr. Gladstone, still retaining High Church views, and probably recalling the days of his association with Newman and Manning and Hope Scott, became a most vigorous opponent of the measure and condemned and criticized every line of it as the Bill proceeded through Committee. One Wednesday afternoon produced a memorable scene. Mr. Gladstone and Sir William Harcourt came into sharp conflict. With his usual courtesy, Mr. Gladstone, wishing to correct Harcourt's statement of the Law, observed that probably his hon. and learned friend had forgotten the weighty words of Van Espen.[1] Springing to his feet Harcourt shouted out, 'No! Mr. Chairman, I have not forgotten the words of Van Espen, for, though I know my Coke on Littleton, and can almost repeat my Blackstone by heart, I have never read a line of Van Espen; in fact, I have never heard of him until this afternoon, and I hope for Heaven's sake I shall never hear of him again.' The contest waxed specially warm on this day and Mr. Gladstone hit out specially hard on Sir William Harcourt. As he walked away from the House of Commons with Evelyn Ashley he said, 'I hope I was not too hard on Harcourt, but I feel it necessary to keep that gentleman a little in order.' "

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[1] Z. B. Van Espen, 1646–1728, Professor of Canon Law at the University of Louvain, and a noted supporter of the Jansenists, his best-known work being "Jus ecclesiasticum Universum."

In his annual speeches at Taunton James admitted that the Liberal defeat had been complete and decisive: "Except in times of great public excitement, except in such periods as when the country thought fit to condemn the Coalition Government of the year 1784, or to utter its voice in favour of reform in 1831, I know no period when the expression of the people of this country has been so clear and distinct as it was on the occasion of the last General Election," but he consoled himself with the point that the new Ministry had not fulfilled promises.

As to the future, James remarked that Mr. Disraeli had to contend with the difficulty which beset the Governments of the Duke of Wellington in 1830, and Sir Robert Peel in 1846. "If he endeavours to govern by Tory principles, the country will not follow him, and if he proposes Liberal measures his Conservative supporters will desert him, and these causes will produce an opportunity for the Liberal party. But is the Liberal party in a position to take advantage of that opportunity? What is to be our programme, and who are to be our Leaders?" These points were dissected, and the new Chamberlain programme cited as a new danger from the disunion and dictation it would cause. "We have heard of late very loud cries demanding 'free schools, free land, and a free Church,' and it is said by those who utter these cries, 'We demand this from every section of the Liberal party, or else that party shall not return to office.'

Let me dispose of these three cries." The fourth cry of "free labour" he omitted and said nothing about, but disposed of the others by suggesting that he believed, as to free schools, common ground could easily be found for uniting every section of the Liberal party in affording to every child, who could not obtain education elsewhere by voluntary means, an education from which doctrinal teaching should be banished. "Of free land I say nothing, because I have not the slightest idea what it means, but as regards a free Church I don't pass away from the subject with the slightest degree of terror. I understand it to mean disestablishment and disendowment." This question he debated at some length, but denounced the Liberationists who said "Take the measure at once, and vote for disestablishment, or we will never support the Liberal party nor let you get into office," on the ground that the Liberal Churchman was to be driven from the Liberal party, or forced to change his opinions to obtain office. He called such a process "a huckstering of political principle so disastrous to success that even expediency would condemn it." "In some things," he said, "I agree with the extreme section of the Liberal party, but I object to the means which they would adopt for enforcing those opinions; and if they persist a day of evil must come alike on our party and on our country. If this course is pursued, the next page to be written in the history of the Liberal party will be blotted and blurred; it will tell of disaster and defeat; it will record how a party great in its utility became broken and disorganized; how within its ranks the thoughtful wavered and the timid fled, and how all this came to pass because some few ambitious men forgot to take note of the traditions of a party and the instincts of a people. I know what retort I shall receive. They will ask me if we do not stand with flaming measure in our hand and with a cry in our mouth, seeking to move the people to advance, what will be the use of the Liberal party, and how shall we exist? There is much for a Liberal party to do without resorting to such means. Day by day we can do much to remove the evils which exist, and legislate, not by class measures for the rich and powerful, but for the poor and weak, securing religious equality alike to all, furthering education, reducing taxation and maintaining a policy of conciliation. In relation to these principles, day by day questions will arise which would be governed by two methods, and if one party or the other be in power you will have to trace a difference of principle and of thought." This confession of faith plainly shows that James was not the man to head a revolution, or even to produce advanced views which he would urge the rank and file to follow. It was the speech of a Whig, on the lines of the moderate Liberalism in which he had educated himself from boyhood, and on the principles of conduct on which he himself has stated he was brought up. As one paper remarked, the speech "hit the exact line between wind and water, between a Liberal atmosphere of thought and the untroubled deeps of a Conservative ocean of feeling."

On another question he was far more emphatic, and that was the question of leadership. He tilted definitely at the aspirations of Sir William Harcourt to be the leader of the party in Parliament or elsewhere. "Who are to be our leaders? There is no one probably in the country who can have a higher appreciation of the great abilities of my learned friend Sir William Harcourt than I. Every member of the House of Commons must know how completely he fulfils the character which Dryden gave of Halifax—

'Of piercing wit, of pregnant thought,
Endued by nature and by learning taught
To move assemblies.'

I who have acted with him in political life, and served with him as a colleague, know how numerous his great qualities are. But there is only one leader to whom at this moment the Liberal party should look and to whom I can give my allegiance, the late Prime Minister. He is to us what a great leader was of old, 'the bulwark of our host,' and if Achilles retires to his tent there will be difficulties to be overcome by a second in command.

> 'Left by Achilles on the Trojan plain,
> What spoils, what conquest can Atrides gain?'

Although I know not who our son of Atreus may be, I trust the difficulty may be solved by the return of Mr. Gladstone to perform the duties which are entrusted to the leader of Her Majesty's Opposition."

Notwithstanding the attractions of endeavouring without avail to defeat the progress of the Public Worship Regulation Act, Mr. Gladstone's attendance at the House of Commons was infrequent and intermittent. He had in the early portion of the year written a letter to Lord Granville informing him of his intention to retire from the Leadership of the Liberal party. "Mr. Gladstone was weary of his work. Many of his colleagues were uncongenial to him, especially Ayrton and Lowe. Some of them too he had found inefficient in their work, and I believe that within the Cabinet he had had great difficulty in maintaining his supremacy. The rank and file of the party had also proved themselves too independent in action and scarcely loyal enough in their acceptance of his Leadership. Although at this time only sixty-five years of age, Mr. Gladstone was recording that oft-repeated view that some portion of his remaining days should be spent in repose, far away from the strife of party life. But still with all those centrifugal forces at work he informed Lord Granville that when occasion required he would still be found taking part in public affairs. Events proved within a short time that this intimation was liberally fulfilled, but later it was under desultory con-

Devonshire

THE MARQUESS OF HARTINGTON, 8TH DUKE OF DEVONSHIRE, IN 1892.

ditions that Mr. Gladstone retained the titular Leadership of the Liberal party until the end of the Session 1874. But then he abdicated and it became the duty of the members of the Parliamentary party to elect a new Liberal Leader. Only two names were mentioned as candidates for that position, the Marquis of Hartington and Mr. William Edward Forster. Speaking of their political views in general terms, Lord Hartington was an old Hanoverian Whig, and Mr. Forster, a member of the Society of Friends, was a modern Radical. Both men were of good Parliamentary service and both had many friends, but many thought that the moderate views of Lord Hartington would secure a more solid following than the advanced opinions of Mr. Forster. Others attached importance to the fact that the occupant of Devonshire House had opportunities of affording hospitality which might be of service to a political party. At one time the rivalry between these two candidates appeared to be somewhat acute, but as soon as a meeting of the party was summoned—a meeting held in the Library of the Reform Club, in February 1875—many men were found deprecating any contest on the subject and arguing that only one of the candidates should be proposed for the Leadership. It soon became apparent that Lord Hartington would, if such a contest took place, secure a large majority, and so the friends of Mr. Forster announced that he would not allow himself to be put in nomination. When the meeting took place, Mr. Bright proposed Lord Hartington's election as Leader of the party and Mr. Forster expressed a generous acquiescence in his election."

CHAPTER V

FOREIGN LOANS, 1875

THE year 1875 brought for James little Parliamentary action. He spoke five times on the Conspiracy and Protection of Property Bill, by which definite limits were set to the application of the law of conspiracy to trade disputes, and particularly, when considering the Lords' Amendments, objected to any liability for " intimidating " instead of " threatening a person or his wife or children," because " threatening " at least required an overt act to be proved, but " intimidating " might be proved and conviction secured by " a mere look, a mere walking up and down, merely making a face at a workman's child." This view of the meaning of the word " intimidating " did occasionally lead magistrates to convict on any threat or warning even of a mild character, until in 1891 a specially constituted Court of the Queen's Bench Division laid down that intimidation was confined to the threat of committing a criminal offence against person or tangible property.

On the Infanticide Bill, which proposed to reduce the crime of murder of an infant by a mother to felony punishable by ten years' penal servitude, he anticipated the principle of a reform which was only passed into Law in 1922, by giving his support to the principle of the Bill in the hope that it would meet the difficulty of juries refusing to convict through sympathy with the mother. On a revised Bill for giving parliamentary votes to women he was again very emphatic, stating that he gave his vote cheerfully against the Bill, that no proof of the injustice " these injured doves " endured had been brought forward; the inevitable effect must be considered, " Was it to be said that the man who sets the stone rolling at the hill top is not to look to its effects in the valley—that because the stone had been moved and met with nothing in its first motion, its ultimate destination was not to be considered ? " and he instanced the Speaker as the type and representative of a very great power and class of people in this country, who are careless alike of which of the two great conflicting parties of the State is in power, but demand that our laws should be framed by us so as to preserve them in the peaceful enjoyment of their domestic life. "Ere this Bill passes into law, with a voice ever clear, because it will speak the instincts of a people, they will demand that it should be cast from the table, lest in the acceptance of it in a fitful moment we shall endanger the prosperity of the people and imperil the greatness and stability of the Empire." The Bill was lost by 187 to 152.

In addition to these subjects James took opportunity to administer a severe drubbing to Dr. Kenealy, the member for Stoke, and counsel for Orton, the Tichborne claimant. Dr. Kenealy had proposed a motion for a commission of inquiry into the conduct of the judges in the criminal trial of Orton. In a reasoned speech James proved the fallacy and futility of the motion. "I challenge the hon. member for Stoke," he concluded, "to say if there can be found any precedent for such an inquiry as this, and whether since the year 1700, except in a case in which corruption was established, there has been any inquiry into the conduct of the judge. The resolution is an appeal to us to grant what, after all, it is not in our power to grant. We were told a few nights ago that we stood upon a volcano, and that we who lingered over the crater might listen to the thunder within. We have almost been told that if this motion is refused to-night that perhaps before to-morrow's sun shall set there may be rebellion breaking out among a law-abiding people. I have no belief in such a dark prophecy; but should such outbreaks occur, we can gauge the limits of the evil, and we may limit the result of the disaster. But far worse than all such evil, more injurious than all such disaster, will be the result of the English House of Commons voting away the independence of the English Bench and the proper and capable administration of English law, to a clamorous and unthinking demand."

He also produced in the House strong argument against a Flogging Bill, and in a speech at Taunton critically and successfully analysed from a legal standpoint "The Fugitive Slaves Circular" which would have placed the captains of Her Majesty's ships in a most invidious and difficult position on the coast of Zanzibar or other places where the slave trade then existed. James denounced the Circular as "utterly inconsistent with our municipal and international law," and made one of the best of his reasoned and argumentative speeches on this Circular, which in point of fact was equally denounced by the Government. Disraeli wrote of it to the Queen as strange, a blunder of the Law Officers and an indiscretion of Lord Derby. The power and skill displayed in this oration show how very far the inexperienced candidate of 1868 had advanced in the art of making speeches to a constituency, and the manner in which the speech was received greatly endorsed his view that it was possible for an able man to educate a constituency by close arguments upon popular platforms into an interest for subjects not usually demonstrated.

Except in matters relating to the improvement of minor laws or amendments for the prevention of harmful laws, no great enthusiasm for a forward policy appealed to him under the existing circumstances. "I see our opponents many in numbers and solid in their ranks," he told his constituents in October, "I see differences and disorganization among ourselves. I hear murmurs of a divided allegiance. I look upon that doubtful contingent of Irish members now united, who are our allies in opposition, but whose steadiness when sitting on the Government bench has yet to be tried. I see, too, no hopes of consolidation in following the advice of these restless men, who, while the country is indifferent to radical change, insist that some extreme measure should be presented to the electors, and that everyone who refuses to accept it ceases to be a Liberal. But surely we may rest a while. If we are not strong enough to do much good, our opponents are too weak to do any harm. Office may be theirs, but the power is not with them."

It was said at the time that a more fascinating and perfect expression of the predilections and convictions of the Whig party in relation to the events of the day than that put forth by Sir Henry James at Taunton could hardly be found. The policy was aptly called "stationary Liberalism." James neither then nor afterwards understood or followed "the doubtful contingent of Irish members" or "the restless men" of whom so much was to be heard.

Outside these minor efforts his real work during the session arose on a motion which he made on February 23, for the appointment of a Select Committee "to inquire into the circumstances attending the making of contracts for Loans with certain Foreign States, and also the causes which have led to the non-payment of the principal moneys and interest due in respect of such loans."

The motion resulted in an order for a Select Committee, a strong one of twelve, and subsequently of seventeen members, with Mr. Robert Lowe, ex-Chancellor of the Exchequer, as Chairman. The Committee held thirty-two meetings between March 4 and July 29, and held sixty-nine examinations of witnesses, of whom all, except three, were examined or cross-examined by James. In the course of the proceedings 6,680 questions were asked.

James has left a memorandum on the subject of this remarkable inquiry, which describes the proceedings and results in his own words:

"This Session of 1875," he wrote, "was somewhat an eventful one for me. I had in the course of my professional work to conduct a case concerning the issuing of a loan to the State of Paraguay. It was an action in which one of the persons concerned in the issue of the loan to that State sought to recover a sum of money for services rendered. I learnt from the contents of my brief that the loan was virtually a fraud upon the British public and would probably never be repaid, and I also learnt from other sources that the issuing of loans by insolvent South American States was a well-understood trade. I obtained particular information respecting loans issued by the States of Honduras, Costa Rica and San Domingo. At this time I had a great friendship with Sir Charles Russell, a Crimean Victoria Cross man, an active Tory politician, and a popular member of the Carlton Club. For some reason he took an interest in this subject, having I believe purchased some of the loan Stock. I placed before him the information I possessed, and we came to the conclusion that the British public had already been robbed of several millions, and that the frauds would be continued, unless checked by public action. I determined after consultation with one or two City men to bring forward the question in the House of Commons by formally moving that a Select Committee be appointed to inquire into the present system of issuing foreign loans. The very notice of this motion produced a panic amongst those who had been concerned in the issue of the loans. Numerous methods were resorted to to ward off my motion. Sir Philip Rose, Mr. Disraeli's confidential man of business, was solicitor of the principal firm concerned, and it was openly stated that a promise had been obtained from Mr. Disraeli to oppose my motion. Mr. Gladstone himself told me that he did not approve of it, as he thought the House of Commons ought not to be called upon to protect an investor from his own imprudence. Then Sir Lawrence Palk and other members bombarded me with questions in the House of Commons, and suggested that I was merely presenting the interest of a client for which I was paid as a lawyer. But by this time public attention had been acutely directed to the subject, for there were many persons who were already suffering from the default that already existed in the payment on the loans. The Editor of the *Times* told me that that newspaper had received more letters for publication on this subject than on any other for many years past. But the implicated persons never rested, and employed many able correspondents to denounce my proceedings. But I stood resolutely to my guns and brought on the motion of which I had given notice on the 23rd day of February, 1875. The House was crowded and excited. The forces ranged against each other were on the one hand those who sympathised with the investors who had been duped and swindled, and on the other hand the friends and partisans of those who had been guilty of the alleged frauds. I had a strong case to state and I did my best to state it moderately and temperately. I dealt at greatest length and particularly with the Honduras Loans, for they were the most flagrantly fraudulent. Honduras was a wretchedly poor impecunious State. Its Government seldom lasted more than a few months, for revolutions were constantly recurrent. But one representative Minister was never changed. A Honduras subject acting as a clerk in a commercial house in Liverpool was dismissed for dishonesty. He appeared in London, having in his possession a letter from one of the Honduras Ministers appointing him representative in London of that State. However numerous the changes in the Government of Honduras, this Minister continued to hold the position he had assumed. He had occupied his office so long that he had become doyen of foreign Ministers, and had on several occasions as such returned thanks for foreign diplomats. There was, I believe, no salary paid by Honduras, so he had to obtain payment from other sources, and he had no difficulty in so doing. For he was made use of by two or three men who are best designated by the word 'swindlers.' Honduras was a State without any wealth or any resources. Its national debt amounted to £27,200, and since 1827 it had been unable to pay interest on even this small amount. But on behalf of this State the British public was approached and solicited to contribute to three loans amounting to nearly £6,000,000 and this sum was to be advanced by the British investor, allured by the prospect of 10 per cent. interest, the forests of Honduras, and the future profits of a railway to be constructed by money thus obtained. Out of the £6,000,000, £690,000 were expended in the pretended construction of a railway across Honduras from sea to sea. The balance was practically purloined by the promoters and issuers of these loans. But not satisfied with this enormous booty, these gentlemen actually issued a prospectus asking for a loan of fifteen millions to convert an unconstructed railway into a railway for carrying ships of large burden across the isthmus, and this on behalf of a State the yearly revenue of which was under £18,000, and which could not repay its debt of £27,200. The principal persons answerable for this common swindle were unequal both in the measure of their guilt and in the apportionment of the spoil. The designer and prime mover of all was a certain Charles Joachim Lefèvre, once a resident of Paris. He had been convicted criminally of the French offence 'abus de confiance,' and in default sentenced to two years 'travail forcé.' He then came to England, promoted these loans, and thus becoming very rich became the owner of a very numerous racing stud. He never made bets and apparently was running only for the glory of success. He was regarded as the very model of unselfish sportsmanship. A slight change of name prevented his identification with the Paris criminal. The other actors in those wretched frauds were a man called His Excellency Don Carlos Gutierres, the Honduras Minister of whom I have spoken; Monsieur Herran, Honduras Minister in Paris; and the agents for bringing out the loan. But Lefèvre was somewhat deficient in generosity, and perhaps in justice, for he reserved the great bulk of the profits to himself, and doled out comparatively small sums to his fellow-actors. I do not dwell upon the circumstances relating to the issue of loans to the other countries, for Honduras was the most flagrant fraud and represented the most impecunious State. As I proceeded with my statement I could almost feel that I had won the sympathy of the House. Mr. Disraeli, notwithstanding the influence of Sir Philip Rose, turned to Mr. Gathorne Hardy (afterwards Lord Cranbrook), who sat next him, and across the table I heard him say, when I was dealing with the fifteen millions loan, 'It is impossible to resist this motion.' When I sat down everybody seemed to be in agreement with me. A very able solicitor, Mr. Charles Lewis, much mixed up with financial operations and from whom I expected opposition, contented himself with some small criticism, but said he agreed in the main with the motion. After a short consultation with Mr. Disraeli, the Chancellor of the Exchequer, Sir Stafford Northcote, entered into the debate, his first words being, 'It is evident from the way in which the speech of the hon. and learned gentleman has been received that the House sympathises with his expression of indignation at the stories he had felt it his duty to bring before the House,' and then after some words of caution as to the action of the Committee if agreed to, announced that the Government would accept the motion and support the proposition made, and thereupon without objection or division a very strong and representative Committee of members of the House of Commons, with Mr. Lowe, the late Chancellor of the Exchequer, as Chairman, was appointed with the object of bringing these frauds to an end.

"Our meetings were exciting and attracted much public attention. Interest was exerted to the utmost to discredit the Committee, and to defeat its efforts. The chief agent had secured the assistance of some intimate friends, especially Mr. Bernal Osborne, Sir Robert Peel and Mr. J. Pope Hennessy. Many questions were asked in the House of Commons in the shape of attacks upon me, and the columns in the Press were filled with bitter criticisms. At this time I was in possession of comparatively little information, and I was anticipating being able to elicit information from the cross-examination of the chief agent. But when summoned to appear before the Committee it was alleged that he had met with an accident and dislocated his shoulder, and that his health would be injured if he gave evidence. At this time public opinion seemed to be veering against the Committee, it being denounced as inquisitorial, so I was afraid to press for the agent's examination and had to acquiesce to his evidence being dispensed with. But whilst suffering from this check strange good fortune came to my aid. In preparing the evidence for the Committee I had the valuable assistance of a legal friend, Mr. Thomas Snagge, and on the day of our decision as to the agent's evidence and whilst sitting in the Committee I received a note from him asking me to see him in the Lobby. I had previously received a somewhat incoherent letter from a person named Davids and I had referred him to Mr. Snagge. I found Mr. Snagge accompanied by Mr. Davids, who told me the following tale. He said he was by occupation a clerk and had been appointed trustee of three Honduras loans, and that he had made balance sheets which showed what money had been received and what had become of it. When his duties came to an end he had been allowed to retain these documents. Lacking other employment he had become the secretary of an insurance company, of which Sir Henry Drummond Wolff and Mr. J. H. Lloyd were Directors. Upon reading the account of our proceedings Davids had consulted these gentlemen as to the course he should pursue. Wolff, who was a great friend of mine and had taken great interest in my motion, discreetly told Mr. Davids the only way to escape prosecution and penal servitude was to communicate with my secretary, and afford all information in his power, which he wished to do.

"I asked him where those documents were. 'Well,' he said, 'they are in two large boxes on the top of a cab in Palace Yard.' I immediately insisted upon Mr. Snagge taking charge of these boxes and bringing them into the Lobby near the Committee room. In half an hour I had called Mr. Davids as a witness and made him produce the boxes, which with their contents were placed in the custody of the clerk of the Committee. As the documents appeared numerous and lengthy, it was arranged that a well-known accountant, Messrs. Waterers, should examine and arrange them and analyse their contents. From the time the contents of the boxes were known all was plain sailing. Mr. Davids had kept his accounts in a very clear manner, and everything I was wishing to establish I found clear to my hand. So ably had his duties been performed that Mr. Gutierres had deemed them worthy of special reward, and so invested him with an Order. It was that of the Sacred Rose of Honduras, and this, a somewhat flaming decoration, I made the unfortunate Davids produce, and to the unfortunate deluded investors the sacredness of this rose seemed marked by bitter irony. These Honduras disclosures secured the success of my motion and of the Committee, and we proceeded merrily with the investigation of the other foreign loans, all of which represented totally worthless investments. When we came to draw up the report the work was apportioned amongst some three or four of the Committee. I undertook to deal with the facts of the Honduras Loan. Mr. Watkin Williams took charge of Paraguay, and Mr. Edward Stanhope of Costa Rica. The Committee then proceeded, with the singularly able assistance of Mr. Robert Lowe, to mould these parts into one consecutive report. Without doubt the document was clear and scathing in its language and of great constructive ability. Mr. Abraham Hayward [1] was pleased to say that it represented a model of good English, and that he had been so struck with it that he had read it over and over again. But whilst we received praise from the Press and the Public, those who had been freely enough censured in the report were determined to do their best to minimize the effect of it. Their first fear was that they would be immediately prosecuted, so they determined to destroy as far as possible the proof of guilt. In the course of the Honduras inquiry, certain shipping and other very important documents had been given in evidence and been placed in the custody of the clerk of the Committee. Immediately upon the Report being issued letters purporting to come from the owners of these bills of lading and shipping notes were delivered to Mr. Leigh, the clerk, asking for their return to those to whom they belonged, and in accordance with this request they were so delivered. But in a few days a second demand was made for these documents, and then it appeared that the first letters of request were forgeries, presumably by those whose guilt was in question, and thus a necessary link in evidence was entirely destroyed. One other step was taken. The House of Commons had voted that the

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[1] A famous Essayist, 1801–1884.

Report should be printed for circulation, and, in accordance with the general practice Mr. Speaker directed that so many hundred copies should be printed and be in the hands of the Queen's printer for sale to the public. The day after the announcement of this fact was made, somebody arrived at the Queen's printer's office and purchased every copy and carried them away at once. When I applied to the Speaker to have more copies printed he refused, saying he saw no cause for interference.

"Guilty consciences make cowards of men, and the chief offender of all these delinquents, in whose hands the other conspirators were scarcely more than puppets, was a great coward indeed. He was afraid of criminal prosecution, and so sold his house at Newmarket and for a time absented himself from England. Shortly after the close of the Commission I received a brief in the Probate Court from a solicitor, a Mr. Campbell. The fee was an extraordinarily high one, though the suit was a very light one. I had a consultation with Mr. Campbell, who before leaving the room abruptly interposed the question: 'Do you mind telling me are any criminal proceedings to be taken against Mons. Lefèvre?' Somewhat without consideration I replied: 'Not so far as I am concerned. I have done my work and am satisfied.' Slow pleasure's smile passed over Mr. Campbell's features. I afterwards learnt that he was Mons. Lefèvre's solicitor.

"Looking back upon these proceedings I feel very confident that good and important results were effected. The evidence set out in the Committee's Report disclosed a system of unmitigated fraud, selfish grasping fraud, bringing wealth to several gangs of reckless speculators, some of whom were swindlers and inflicted misery upon those investors who from their circumstances were lured by the high rates of interest promised but never paid. The exposure effected by our inquiry brought all these fraudulent issues to an end. Not one of similar foreign loans has been issued. The real test of the worth of a foreign loan is a simple one. Have the people of the borrowing State invested in their own loan? If they have not so invested such abstinence must result from one of two causes. Either they have no money to invest, or they know that the loan will not be repaid. In the loans of the four countries we investigated, not one farthing was subscribed by any inhabitant of those States. They were so impoverished that they had no money to subscribe, and if they had no money to subscribe there was none with which to repay. Of course we have had good foreign loans since 1875 submitted to the British public for subscription; but they were loans to countries like Germany, France, and Japan, and in all those instances the people of the different countries subscribed largely to their own loans, for personally and collectively they were rich enough both to contribute to and repay the loans."

This view of financial policy James again mentioned in the following year when attention was drawn to the Turkish debt, with the proposal that England and France should put pressure on the Government of Turkey. In supporting the motion on the facts, James held that on general principles it was not their duty " to interfere for the protection of those subjects who had chosen to enter into incautious contracts with foreign creditors." The best rule of guidance was to tell persons never to lend money to a borrowing State unless the subjects of that Power were willing to lend their own money also to their own Government.

James himself, as he says, drafted the long report on the Honduras loans in a manner as lucid as it was drastic. Among the scathing sentences of comment on incidents common to all the loans may be cited such findings as these, " In respect of all these loans, those who introduced them to the public seem to have been regardless of the financial resources of the borrowing State; such resources, if inquired into, would have been found to have been totally inadequate to meet the liabilities incurred. In no case before your Committee, with one unimportant exception, has the borrowing Government repaid any portion of its indebtedness incurred in respect of these loans, except from the proceeds of the loans themselves." And again: "In order to induce the public to lend money upon a totally insufficient security, means have been resorted to which, in their nature and object, were flagrantly deceptive," and: "When the money of the public had been received, its application to the alleged purposes of the loans depended upon the good faith of those issuing them. In some instances these funds have been flagrantly misapplied."

Then followed some strong remarks on the policy of the Committee of the Stock Exchange for their methods of granting settling days and official quotations.

Although the money had gone and the promoters escaped criminal trials, it may probably be said that this great exposure, at which James had worked so hard, saved much imprudent investment and loss, at least for the time being; led to drastic changes in the methods then practised by the Committee of the Stock Exchange, which were of advantage both to the Stock Exchange and the public; and obliged South America, before their States and undertakings could get money from this country, to exercise greater care and better methods, which in the event has proved of vast advantage to them. James himself, both before and after this inquiry, was very partial to good South American investments, and had no reason to regret his belief in the resources of that continent.

CHAPTER VI

THE ROYAL TITLES BILL, 1876

In May 1876 James had to fulfil a duty which he did not quite like, and which certainly incurred for the time being the disapprobation of Her Majesty. It was not until 1891 that he was given any opportunity of dispelling any feeling on the part of the lady to whom he was so devoted in his last years.

The occasion arose on the proclamation following the Royal Titles Bill, under which the Queen became Empress of India. James explained his part in the matter to his constituents with the words: "In the debates on the policy of that measure I took no part, but when the Proclamation, declaring the Royal title, was issued, it was found that the use of the new title was not confined to India, and to its insertion in diplomatic documents, and thus the promise of Ministers had not been fulfilled. The responsible leaders of Her Majesty's Opposition determined that it was the imperative duty of those to whom such promises had been made to call the attention of Parliament to their non-fulfilment, and it was their desire, as many legal subjects had to be dealt with, that I should bring forward the necessary motion. My own wish was not to be placed in so prominent a position, but I felt that I should have been wanting in party loyalty if I had refused the repeated request of those whose lead and direction I am proud to acknowledge, and in whose judgment I have every confidence."

Mr. Disraeli appears to have had a different impression of the matter, as in the recently published letters he is quoted as writing to Lady Bradford on May 2nd, "In the House of Commons last night a round robin was in secret circulation among the Liberal party requesting a meeting of the party to consider the Royal Proclamation and do something. They are discontented with their chiefs, and Harcourt and Henry James and Fawcett want to force Harty Tarty's hand."

The speech by James in the House was an argument to show that the Government had promised that the use of the title of Empress should be excluded from the United Kingdom, except in relation to diplomatic documents, and also that that title should be localised to India, and should be borne and used only in that part of Her Majesty's dominions. He cited at length the history of the Act and the Proclamation, quoting statements by Lord Chancellor Cairns and by the Prime Minister. The speech caused great excitement in the House, the Speaker ruling twice that the hon. and learned gentleman was not out of order, and finally Mr. Disraeli interfering with the remark: 'I rise to order on the part of Her Majesty's Government. As we are on our trial, I hope the Members of the House will not insist on too strict an interpretation of its rules."

The motion had no effect against the Conservative majority, and only served to record a protest.

At a later date James wrote an account of this political opposition to the new title, and the presumed effect which resulted from the action he had been selected to take. He says: "When Mr. Disraeli's Bill was announced, we, the Opposition, knew nothing of its origin. But some years afterwards Sir Theodore Martin published a letter written by Mr. Disraeli in 1859 to the Queen, when after dealing with the new proposals for the Government in India he in strong and inflated language urged upon Her Majesty the policy, almost the necessity, of taking the title of Empress of India. The proposition seems to have been most acceptable to the Queen, and doubtless then would have been carried into effect if it had not been that Lord Derby's Government, including Mr. Disraeli, was immediately turned out of office. It is true that Mr. Disraeli was in office again, and as Prime Minister, in 1867–68. But he was so only on sufferance, for he was in a minority in the House of Commons. In 1874 he was a second time Prime Minister, with a working majority at his back, and so he had for the first time the power to carry out his own and the Queen's wishes. As soon as notice was given of the introduction of the Bill the leaders of the Opposition met and determined to oppose it. Looking back upon our proceedings, I cannot very clearly account for the course we took. We fancied that our opposition would be popular, for we thought that the English people would cling to the old much-loved term of Queen, and would have little sympathy with Mr. Disraeli's substitution or addition of the word 'Empress.' And so it was determined that Lord Selborne in the House of Lords, and I in the House of Commons, should move amendments condemning the Proclamation. But our opposition did not, in either House or in the country, meet with much support. In the House of Commons we had difficulty in polling our men who formed the usual opposition, and in the country no one seemed to care whether the Queen called herself Empress or not. But Her Majesty took a different view of the subject. I was warned by Lord Granville of what might occur. When I was about to move my amendment to the Bill Lord Granville said to me: 'Let me advise you to be very careful in what you say, our dear Queen never forgets and seldom forgives.' In those days the Queen was in the habit of giving afternoon parties in the Duke of Devonshire's grounds at Chiswick, and shortly after the passing of the Bill one of these parties was so given. The habit of the entertainment was for the guests to range themselves in rows, and for the Queen to pass between them, saying a word or two to those she knew. Lord

Granville, then leader of the Opposition in the House of Lords, and who had been very intimate with the Queen, was standing in one of these rows with Sir William Harcourt and myself. Lord Granville's instincts came to his aid and he said: 'I am not at all sure what treatment we shall receive from Her Majesty. I will go round and ask the Princess of Wales what she thinks we had better do.' And so he did, but came hurriedly back, saying: 'We had better move off. I asked the Princess of Wales if she thought we were forgiven, and her reply was: "Ach, no, you are not forgiven and never will be. You had better keep out of sight,"' and so we did and hid ourselves away from the Royal presence.

"I presume that Queen Victoria must have shown her power of forgiveness in respect of Lord Granville and Lord Hartington, for she offered the Prime Ministership to Lord Hartington in 1880; and then gave audience to him and Lord Granville before she determined, at their request, to require Mr. Gladstone to form a Government. But I certainly was under the impression that she showed no such courtesy to me. In 1880 I became Attorney-General on the nomination of Mr. Gladstone, and during many subsequent years I was in the habit of spending some portion of each autumn at Mar Lodge as the guest of Lord Fife, some sixteen miles distant from Balmoral. The Queen was in the habit of showing hospitality to the guests of Lord Fife, but never once was I bidden to Balmoral. This was especially noticeable in 1894, when Mr. Gladstone had to deal with the memorable crisis regarding the fate of the County Franchise Bill. Mr. Gladstone was paying a visit to Invercauld, mid-way between Mar Lodge and Balmoral, and he and I were in constant communication on the course to be pursued. He told me that in an interview with the Queen he had fortified his own opinion by telling her that I agreed in the advisability of taking a suggested course, and that she had expressed satisfaction that such was the case. I was still not included amongst Her Majesty's guests. In 1886 I had taken a prominent part in opposing Home Rule, and was informed that this course had met with the approval of the Queen, but in 1887, when Her Majesty laid the foundation-stone of the Imperial Institute, an Institution which largely came into existence through a suggestion made by me to the Prince of Wales at Mar, certain persons were presented to her, including Sir Farrer Herschell, who had been my Solicitor-General, but the Prince of Wales, who made the presentation and who certainly was personally full of friendship towards me, passed me by with a significant nod. But at length in 1891 I received an invitation to dinner at Windsor Castle and I was honoured by the usual audience after dinner."

James seems to have been quite correct in his belief. Disraeli wrote to Lady Bradford on March 23rd: "She (the Queen) wrote me last night a most impassioned letter as to the conduct of the Opposition 'personal' to herself; She will 'resent' it, etc., etc."

As 1876 went on, a new subject arose, upon which James had hitherto scarcely ever touched, or at most made very mild remarks, the foreign policy of the Government. To this policy he devoted his chief speeches during the next two years, speaking first at Taunton in October 1876. The details of this period, leading up to the Berlin Conference of 1878, have been given in many biographies, and the criticism of a politician who had no access to official documents would be uninteresting at the present day. His chief attacks were directed to the indecision and procrastination of Lord Derby, the Secretary of State for Foreign Affairs, "An abstention when we ought to have interfered, and an interference when we ought to have abstained."

The principle of these speeches may have been based upon an anecdote which James had repeated in several speeches—that when he was a young man, on one December night in 1854, he sat in the Strangers' Gallery in the House of Commons, and heard John Bright say from below the gangway that he was in a minority, "but if I stand alone, in the midst of the din of arms and the attack of a venal Press, I shall have this consolation, a consolation which is mine this night, the priceless consolation that will be mine in the latest hour of my life, that I have not uttered one word that can tend to the spending of my country's treasure, or the shedding of one drop of my country's blood."

"Sir, the man who spoke thus was John Bright, and as I listened to him, the thought came to me—it was then as a dream, apparently a vain ambition, but the thought came to me—if ever it should be my lot to take part in public affairs, the highest boast I could make would be to be able to speak as that man had spoken, and to appear in favour of a policy of peace." It may be remarked that at a later date, as a Cabinet Minister, he concurred in the Boer War.

In May 1878 another reason for comment had arisen. Lord Beaconsfield had brought Indian troops to Malta, and James was put up to argue that the Government had acted outside the Constitution in bringing these troops without the consent of Parliament. There had been much discussion on the framing of a resolution, but he pointed out that the terms were exactly the same as Mr. Grey had used in 1794, when it was urged that "employing foreigners in any situation of military trust, or bringing foreign troops into this Kingdom, without the consent of Parliament first had and obtained, is contrary to law." His arguments showed very clearly that legal advisers of the Government had been inaccurate in stating that troops had been maintained in Ireland without the consent of Parliament, and that the Government had infringed the direct provisions of a statute which declared that they had no right to apply the revenues of India without the assent of Parliament. They might have said that, in a case of emergency, they had acted for the public good, but, having violated alike the Constitution and the Statute law, they trusted to their majority, and now asserted that they had neither broken the law nor violated the Constitution. In the course of his speech, James strongly attacked Mr. Roebuck, the member for Sheffield, who now supported the Government, and cited remarks which he had made against the Tories in earlier days. The quotation roused the House to great excitement, and, as a paper remarked: "When Sir Henry James quoted lines from Mr. Roebuck denouncing the Tory party as a party bound together by one interest, that of plundering the public, whose sole object was to fleece the people, Conservatives went white with rage, shook their fists and yelled, and appealed to the Speaker. The Speaker ruled that the quotation was quite in order, and held the nose of the majority while Sir Henry poured the nasty draught down their throats. When the division was taken, and the early dawn broke through the windows, the brightest jewel of the English Crown, Constitutional Government, was a gem with a hideous flaw in it, and the famous John Roebuck was a collapsed and shrivelled windbag, burst by an arrow from his own quiver."

The last speech before the coming election was spoken at Taunton at the end of October 1879, and summed up the hopes of the Liberal party after the long rule of Lord Beaconsfield's Government. James passed over Home affairs with the remark that there were no materials for any statement. "Turn over the leaves of the Statute Book as often and as diligently as I may, I can find nothing written there which is likely to affect your material interests." He condemned the Zulu and Afghan Wars, and blamed Lord Salisbury in a speech at Manchester in which he had spoken with praise of the "glad tidings" that Austria was to have control in Eastern Roumelia, and, so he suggested, was now to be regarded as an enemy to Russia, standing always on the flank of her advance. "I know not how you may regard this proceeding of Lord Salisbury, it presents itself to my view not only as a most undignified, unstatesmanlike act, but it is so dangerous in its probable effects, that one is filled with alarm lest the councils of Russia should be guided by men only half as intemperate and half as careless as Lord Salisbury. For if such be the case, how can war be averted? And yet we are told that the honour of England demands that the conduct of our foreign affairs should remain in the hands of a Minister who will deliberately insult an ally, in order that his party may receive the votes of those who are clamouring for war, within the walls of London music-halls." "If a Liberal Government were in office, its foreign policy would be governed by different principles, and I hope we shall be less aggressive, less restless, less self-asserting, more frank, and more in sympathy with free institutions. Even as we stand here to-night, we almost catch the sound of the summons, the flag is aloft, ready to be unfurled. We stand upon the threshold of a conflict, we expect we shall wage our war against a policy which has brought danger, and which if unchecked will produce disaster to the Empire."

Outside foreign politics, an opportunity occurred in March 1879 for James to repeat his consistent opposition to women's suffrage. Mr. Leonard Courtney, the member for Liskeard, made a motion in favour of conferring the suffrage upon widows and unmarried women. James made fun of the idea that women should at once lose their vote as soon as they were married. "Directly a lady becomes successful in her profession," as he chose to call marriage, "you will not only not give her a vote, but you will take away a vote from her, and you have to tell her, If you will only be unsuccessful, if you will only fail in your profession, if you will refuse its honours, its happiness, and its rewards, you will be able to maintain your vote, and you will have that position which is always the only happy position for a woman to occupy, namely, a position of equal electoral rights with men."

James made a new point in quoting from Her Majesty's recently published diaries. Amid interruption from an Irish member, which was overruled by the Speaker, the quotation read: "Albert grows daily fonder and fonder of politics and business, and he is wonderfully fit for both, whilst I grow daily to dislike them more and more. We women are not made for Government, and if we are good women, we must dislike these masculine occupations." These opinions may have at a later date been a bond of union between Her Majesty and that Attorney-General who had objected to any use of the title of Empress of India beyond the confines of that country.

CHAPTER VII

THE LIBERAL GOVERNMENT OF 1880

In April 1880 the General Election was held, and a Liberal Government came into power, but James had to fight very hard for his seat, and was returned as the junior member for Taunton with a Conservative stranger as the senior member. His experiences at this election proved a further inducement to him to press forward the Corrupt Practices Bills, which have done so much to improve procedure at Parliamentary Elections.

Describing it he wrote: "Disheartened as the Conservatives were in 1874, they had had full opportunity to regain confidence and increase strength. Their organization had been perfected and they took steps to secure success at the coming Election. My colleague in the representation—Mr. Barclay—had announced his intention to retire, and being requested to select a second Liberal candidate, I introduced an old friend, Mr. Roger Eykyn, known to the electors, who accepted him as candidate. He was a pleasant, good-natured man, not very apt at electioneering. The Conservatives also made a selection of two candidates. One, Sir William Palliser, was well known in the scientific world as a constructor of artillery, and he was a good speaker and blessed with pleasant presence of manner. The second Conservative candidate was a Mr. Cargill. He was not an interesting candidate and incapable of intelligent speeches. During the twelve years I had represented Taunton I had become acquainted with a great many of the electors, with whom I retained very friendly relations, and so I entered into the contest very confident that my seat was secure. The canvass fully maintained this view. Our meetings were enthusiastic and crowded, and I had received more promises than in previous elections. But some few days before the polling I observed an odd change taking place. My meetings were comparatively thinly attended. Men who had given me their promises shunned me in the street, and I observed two Chairmen of District Committees ostentatiously wearing blue rosettes—the Tory colours. For the first time the second Tory candidate, Mr. Cargill, appeared to be supported by his party. I learnt later the reason for this change. Five days before the election a sum of £3,000 in gold was sent from London by a Tory official. The messenger was met at a station some twelve miles from Taunton, and a leathern bag containing the money was placed in a dog-cart belonging to a local medical man. The next day a letter addressed to a district organiser fell into my hands through being delivered to a Liberal elector of the same name as the person for whom it was intended. It asked for a list of the electors in the district whose votes could be obtained and the amount required to obtain them. During the three days before the polling this £3,000 was lavishly distributed, and so I found the effect most apparent, even amongst Liberal voters. This display of money was full of temptation, and a staunch Liberal, the owner of very many small tenements, requested some thirty voters not to poll until they had received sufficient money to pay their rents. The consequence was that I found from those who checked the voters going into the polling booth that far more Conservatives than Liberals had voted. Such was the case up to one o'clock, when I called the attention of my agent to the fact and asked the cause, and his reply was 'Money.' I then said: 'What are we to do?' He said: 'I will go and see,' and I did not see him again till the poll was closed. When I went into the Town Hall for the counting of votes the

Tory agent came to me and said: 'I can tell you the result of the election, the two Knights have won,' meaning Sir W. Palliser and myself. I said: 'I think not.' He answered: 'I am certain I am right, some day I will tell you why.' He never did so, but I learnt for myself that it was determined by the Tory managers to win only one seat, they were afraid to win both lest their bribery should be too palpable. So they recorded a certain number of Palliser and James votes, intending Cargill to be unsuccessful. They accomplished their end, as the following result of the poll shows:—

Palliser: 1084. Cargill: 971.
James: 1000. Eykyn: 971.

"I was mightily angry with the result. Bribery had been flagrant, almost unconcealed, and my colleague could have upset the election on a petition, but it would only have rendered the election void and a fresh one would have to take place. The petition would be unpopular, and so those who had just voted Tory would do so again. The borough might even be disfranchised. The hearing of an election petition would certainly disclose the fact that corrupt practices had extensively prevailed. Past elections, including certainly those of '68 and '73 as well as that of 1880, led to the conclusion that the practice of corruption existed by tradition amongst both parties in the borough. My wrath, somewhat mollified by the Conservatives granting me an unopposed return upon my accepting the office of Attorney-General in April 1880, had to be stored up till 1883, when I framed and carried the Corrupt Practices Act, founded upon experience I had with so much regret gained."

The offer was thus conveyed on April 26th, 1880:—

"My dear Sir H. James,

"I avail myself of the earliest moment which I am able to draw off from more difficult operations in order to express to you the hope that you will allow me to submit your name to Her Majesty for the office of Attorney-General. I assure you that it gives me lively pleasure to contemplate the renewal of official relations with you.

"Believe me,
"Very faithfully yours,
"W. E. Gladstone."

Parliament of 1880

James claimed that the dissolution of Parliament proceeded from the mistaken confidence of Ministers in the successful elections in two "Jingo" constituencies, and denounced Lord Beaconsfield's manifesto for its phrase that it was the purpose of the Opposition to enfeeble "our Colonies by their policy of decomposition and by the disintegration of the United Kingdom." In view of the final result it is curious to note that, as Lord Beaconsfield's life now shows, the Prime Minister knew that the question of the immediate future was going to be Ireland, and also to record the opinion of Sir Henry James in March 1880. "Surely," he said, "the words 'by the disintegration of the United Kingdom' mean that we are all traitors to our country, and that the Prime Minister is a better Englishman than we are. I presume that disintegration means the separation of Ireland from England. Now where are the proofs of this charge? On what ground is it said that we desire to separate Ireland from England? When the Liberal party were struggling for Catholic Emancipation and the Tory party opposed it who did the more to separate Ireland from us? When we relieved Ireland of the wrong and burden of what appeared to the Irish to be a Church of an alien faith, which was the policy that tended to separate Ireland from England? When the Liberal party gave a just land law to the Irish farmer did that measure help to disintegrate the Empire? When year by year we endeavour to give to Ireland an equal franchise with England are we loosing the bond that binds us together? No, such acts as these do not form a policy of disintegration. The time will come when Lord Beaconsfield must recognize that such words as he has uttered have done more to encourage the struggle for Home Rule than giving a Lord-Lieutenancy to one pledged to vote for it, or coquetting through Conservative Committees with Home Rule Candidates."

In October Lord Justice Thesiger died, and the offer of legal advancement was made to James.

"HAWARDEN CASTLE,
"CHESTER,
"*Oct.* 23, '80.

"MY DEAR ATTORNEY-GENERAL,

"If there is no legal impediment, as I believe to be the case, to an appointment direct from the Bar to the place in the Court of Appeal made vacant by the lamented death of Thesiger, I have much pleasure in placing it at once at your disposal.

"I believe I ought to say that it would be taken subject to the future pleasure of Parliament as to arrangements affecting the office.

"I would have informed myself more particularly on the precise terms of this offer, had I not understood that time is of importance with a view to the duties of the Court, so that I ought to be prompt at least in bringing the matter under your notice.

"While the proposal itself is due to you as a debt of justice, I shall regret to lose you as a colleague should you think proper to accept it.

"Believe me,
"Most faithfully yours,
"W. E. GLADSTONE."

"NEW COURT,
"TEMPLE,
"*October* 25, 1880.

"MY DEAR MR. GLADSTONE,

"Whilst I thank you very sincerely for the offer you have made me and the terms in which it is conveyed, I trust you will permit me to decline it.

"I assure you that my refusal proceeds from no want of appreciation of the importance of the vacant office but solely from the preference I entertain for a political rather than a judicial career.

"Believe me,
"Dear Mr. Gladstone,
"Yours most faithfully,
"HENRY JAMES."

A second opportunity came but a few weeks later. James might have obstructed the carrying out of the organization of the High Courts on the death of Sir Alexander Cockburn, but gained the lasting friendship of the Chancellor, Lord Selborne, by making no claim to be his successor and by suggesting that Lord Coleridge, Chief Justice of the Common Pleas, should take the office of Lord Chief Justice of England, so that the Chief Justiceship of the Common Pleas could be swept away.

As soon as Lord Chief Baron Kelly died the Lord Chancellor wrote a long letter to the Lord Chief Justice of England, Sir Alexander Cockburn, on the question of retaining or consolidating the three divisions of the High Court of Justice before any appointment to supply the vacancy was made—in accordance with the principles of the Judicature Act of 1873. The Lord Chancellor desired to meet the judges to consider the question, his object being to unite the three divisions into a single division, to fill the vacancy by the appointment of an additional puisne judge only, and to provide for the abolition, in like manner, upon the next vacancy, of the distinctions between the office of Chief Justice of the Common Pleas and that of a puisne judge. He suggested that the new consolidated division would be under the presidency of the Lord Chief Justice of England, and would be capable, under his authority, of full and complete unity of administration.

Before the steps of this change could be completed the Lord Chief Justice of England also died, and James used to relate how he saw the Lord Chancellor at Westminster and with what reticence Lord Selborne received him, evidently thinking that he had come to say that he would desire to have this great office. Lord Selborne's manner immediately changed, and he jumped up from his chair to shake him warmly by the hand when James remarked, "I have only come to say, Lord Chancellor, that now is your opportunity to make Coleridge Lord Chief Justice of England, and to abolish the offices of Chief Baron and Chief Justice of the Common Pleas." An undated letter indicates Mr. Gladstone's view of this action, and in another letter the gratitude of Lord Coleridge, who had recently lost his wife, is expressed.

> "MY DEAR ATTORNEY-GENERAL,
>
> "I learn without surprise, but at the same time with great pleasure from the Chancellor, that you have yourself written to recommend that the vacancy caused by Cockbourne's (*sic*) death should be filled in such a manner as to give facilities for the more complete organization of the High Court of Justice.
>
> "I have said 'without surprise,' simply because this proceeding is in complete harmony with all I have known you to say or do since I first asked you to become a Law Officer of the Crown.
>
> "Sincerely yours,
> "W. E. GLADSTONE."

"1, Sussex Square, W.
"*22nd November*, 1880.

"My dear James,

"You have treated me in this matter as you have always treated me since I knew you, and as far as the public is concerned you have acted with a single-minded desire for the public service of which there are but few examples. Whatever comes of it I shall never forget what you have done. If I do not speak more warmly and hopefully it is for two reasons, first, that every year I live I feel more distrust of myself and rate myself lower, and secondly, that if once, as is most likely, I had the personal ambition and personal vanity which many men have, these failings at least have been knocked on the head by a blow so rude that I hope neither you nor any one I care for will ever feel the like.

"I shall accept the office if it is offered me through your generosity and at least I will try that your generous self-sacrifice shall not have been made quite in vain.

"Yours most truly,
"Coleridge."

CHAPTER VIII

JUDICIAL OFFERS, 1881–2

THE years 1881 and 1882 were not years in which the Attorney-General made many speeches in the House or country. The Government were occupied with procedure in the House of Commons, with a view to meeting obstruction, with the Irish Land Act and with an Irish Coercion Act, and the years were the years of Gladstone.

In 1881, indeed, the first effort was commenced which was to fructify in 1883 into the Corrupt Practices Act, a subject which James had made particularly his own, but except for a few comments he does not appear to have taken active interest in the Irish debates. One point, however, he did bring out in salient fashion, at Burton-on-Trent, in January 1882. "In this time of ours," he said, "a new phase has been introduced into the Irish difficulty. In conducting this present agitation hidden objects have been in view, and fresh forces have come into existence. The methods of these agitators are formidable and dangerous, because they are so mean. Formerly men collected money in order to maintain an agitation; now they agitate in order to gather money. During the last thirty-five years Ireland has sent hundreds of thousands of her sons and daughters to America. Prosperity has come to them, but that prosperity has not tempered their hatred of England, and now, month by month, and week by week, money is sent to this country, varying in amount according to the extent this agitation goes beyond the law and defies authority. Another new phase of this Irish question is the manner in which the leaders have insisted upon depriving themselves of all sympathy of Liberals or of any Englishman. If ever there was a time when Ireland might have looked for the sympathy of a Minister whose instincts would carry him far in favour of any legitimate national movement, as well as that of a Parliament and a people, I say that it is now. And yet that sympathy has been more than warped, it has been repelled."

After alluding to Henry Grattan and his burial in the Abbey, and saying that, Irish patriot as he was, Grattan had ever been loyal to his sovereign, and no enemy of the English people, he noted the effect of this antagonism with the words: "There are some, not many, among the English Liberals, who may think that the renewed existence of an Irish Parliament may be open to favourable consideration. Can they wish to see a Parliament in which the probable leaders would be men who would demand that no tenant should pay any rent to any landlord, and probably assert by legislation the rights of Communism and Confiscation. The English people may listen with regret to Irish grievances, but they never can give sympathy or support to men like those who now place their views before us." These sentiments were received with loud cheers, which were not lessened by reflection upon the Conservatives for having done nothing "except to leave to us the sad legacy of having to contend with a powerful full-grown combination which must have been far more easily dealt with in the weakness of its youth than in the strength of its prime."

These years were marked by three incidents to which allusion may be made. The first was a dinner given by the Bench and Bar of England to Sir George Bramwell (afterwards Lord Bramwell) on his retirement, in November 1881. It was a very remarkable gathering, comprising nearly all the judges, and all the leaders of the Bar, both of the Common Law and Chancery, with Sir Henry James in the Chair. Sir George Bramwell had sat on the Bench for twenty-five years, a longer period than any judge of the period, except his predecessor, Baron Park (Lord Wensleydale), who had sat for twenty-eight years. All the other judges, the oldest of whom, with the exception of Lord Justice Lush, had been only nine years on the Bench, had practised before him. Sir Henry James was at his best on these occasions. As early as 1873 he had left his election to say farewell, in his capacity as Attorney-General, to Baron Martin on his retirement. In 1880 he had had to speak of the deaths of Lord Chief Baron Kelly and Lord Justice Thesiger. On this occasion he made a speech, which was received with great enthusiasm. "What we valued most in Bramwell," he said, "was this: that the youngest member of the Bar ever felt that to him was shown the same sympathy, the same kindness which was shown to the ablest and most experienced advocate among us. How often have all of us had to recognize that, when by force of his inexorable logic he has driven us into that much-loved dilemma, he was prompt to hold out to us the hand, or to be more characteristic of him, the finger, of his friendship, in order to extricate us from the difficulty which was overwhelming us. We all knew, too, when necessity required that he should strike an incisive blow, with the sharp weapon of his speech, how apt he was to lessen the pain of the wound by the covering of an epigram." Those who remember caricatures by Sir Frank Lockwood will recognize the aptness of the description. "There yet remains," he concluded, "for him the sunset, sometimes most beautiful of all, and it may be that, in the eventide of life, he may be apt to ask himself, 'What do my old companions say of me?' and I hope he will let his memory go back to this scene. Let him now look round him, and see the associates of his early days at the Bar. Let him see the distinguished men with whom he long ago entered into the contentions of a forensic career, and he may safely make to himself this boast: 'Foes I have none, and my rivals were my friends.'"

Sir George Bramwell, in reply, mentioned that, although in some criminal cases much good might be done by kind words from the judge, in other cases no good would result, "as in a case where, when I was exhorting the culprit to repent and amend his life, he interrupted me by asking 'How much?'" Lord Bramwell lived for many years after this leave-taking. His love for a dilemma is shown in January 1887, when Lord Salisbury was taking office. He wrote to James: "I say in all sincerity, that the opinion of yourself and Lord Hartington is better than mine, you must be better judges than I am. Moreover, if Lord Hartington was not to be Prime Minister, I do not see how he could well join Lord Salisbury." Then comes the dilemma. "It is not a trifling, but a test question. Where am I (that means you and Lord Hartington as well) to sit, on the Ministerial side or on the Opposition? If on the Ministerial, have I ceased to be a Liberal? If on the other, am I in opposition to the Ministry? Certainly not. I most heartily wish them well, I do so for their own sakes, and because they keep out Gladstone and his gang. Suppose the Local Government Bill is Tory, and suppose you and Lord Hartington do not like it, what will happen? Will the Ministry privately submit their measures to you? Or you your objections to them? Ultimately something must be done. If that wretched Old Man would join the majority, the Liberal party might be reconstituted to carry on our Parliamentary Government. There must be two parties, and two only. The Lord help us!"

The second incident was another offer of a judicial post conveyed in a letter from Mr. Gladstone on December 13, 1881, and the subsequent efforts James made to obtain the appointment of Sir John Holker, a Conservative, as Lord Justice of Appeal, an act from which

Mr. Gladstone derived considerable credit. The history can be deduced from four letters, ending with one from Lord Richard Grosvenor, the Liberal Whip.

"*Dec.* 15, '81.

"My dear Attorney-General,

"The retirement of Sir Montagu Smith vacates a Life Peerage for a Judicial Member both of the House of Lords and of the Privy Council.

"This appointment I hasten to place at your disposal.

"Personal wishes of my own ought not to enter into a question of this kind; but at this time, or indeed at any other, you will in the event of your acceptance be sorely missed in the House of Commons.

"Believe me,
"Sincerely yours,
"W. E. Gladstone."

"*Dec.* 16, 1881.

"My dear Mr. Gladstone,

"Again I have sincerely to thank you for your great consideration in offering me judicial office—and again I have to ask your permission to decline your offer.

"I still have the desire to continue in a position where I may make the attempt to take part in effecting legislation which may be of some public benefit.

"Whilst I know that so long as I remain in my present office I shall have to rely much upon the forbearance of many, especially of yours, yet I so much prefer a purely parliamentary position—with all its labours—to any judicial office that I feel I cannot but decline the offer you have so considerately made to me.

"Believe me, dear Mr. Gladstone, to be,
"Yours most faithfully and truly,
"Henry James."

"Bedford Hotel,
"Brighton,
"*10th Jan.* 1882.

"Dear James,

"Accept my warmest thanks for the great kindness you have shown to me. If I get the post I am convinced I shall owe my good fortune to your exertions in my favour. I will write to you more fully as soon as anything is definitely settled.

"I remain,
"Yours very truly,
"John Holker."

"Saighton Grange,
"Chester,
"*Jan.* 15, '82.

"Dear James,

"If it is of any use to you you can truthfully tell Holker that *you* were the means of his getting his berth, as I know now that it was owing to my strong observations derived from you that caused W. E. G. to 'do the gracious.'

"Yours ever,
"Richard Gros."

The third incident was in December 1882, when James commenced his series of Royal shoots, at a place that he had then taken in Kent. This was the commencement of a series of shoots, extending over years, and cemented a friendship with the Prince of Wales on which James laid great store. His shooting was at first at Pluckley in Kent, then at Swaffham in Norfolk, Shoreham in Kent, Ferne in Wiltshire, and finally at Breamore in the same county. James had only taken up shooting late in life, and in view of that circumstance became a fairly good shot, but his chief pleasure arose in the preparation for the shoots and in the rearing of the pheasants, where he made the most intricate calculations, covering innumerable scraps of paper, on the number of the eggs required to produce a sufficient number of pheasants and the probable number of wild birds. His friend, Mr. Charles Hall, Q.C. (afterwards Sir Charles Hall, Recorder of London), who had been a Cambridge friend of the Prince, helped him with these shoots in early days. A large bag was always produced, and on this first shoot 1037 pheasants were the final result. Larger numbers were reached at later dates.

Shooting was only one of the forms of sport in which James took delight. He had been fond of cricket from Cheltenham days, always followed the form and scores of the principal cricketers, and nothing pleased him more than when, through Alfred Lyttelton, he became President of the M.C.C. Leaving other work he would often spend whole days in the President's box at Lord's, following the progress of the more important matches. He went seldom to a race-course, though on one occasion Lord Wolmer (now Lord Selborne), Alfred Lyttelton and he inveigled Lady Salisbury to see the Derby, but he followed carefully the races and trials of horses with a view, as he said, to be able to converse with knowledge on the subjects in which friends like Lord Hartington and Mr. Chaplin were interested.

At Breamore too in later years he had a nine-hole golf course in the park, and amused himself daily with one or two rounds. He delighted in the long hits of Alfred Lyttelton, but even more in instructing Lord Halsbury and Mr. Choate in the elements of clock golf. Another amusement which he followed very consistently was the playing of games of cards. In early days he played much whist at the Garrick and later on at the Turf. He played picquet and bridge, but the only card game at which he was really good was picquet. Rubicon Bezique and Halma were passing fancies.

Once again in the spring of 1883 Mr. Gladstone offered high judicial office to the Attorney-General and once more it was refused. Mr. Gladstone wrote :—

"Holmbury,
"Wotton,
"Dorking.
"*27th March*, 1883.

"My dear Attorney-General,

"I have never felt myself in more direct and sorry sympathy with your great profession, than in the universal sorrow it has felt on the death of Sir Geo. Jessel. I am pained at having to recognize it by offering his place.

"In every other respect it is pleasant to me to propose the acceptance of this important Judgeship to one of your high character, ability and position.

"Pray let me know, then, whether it would be agreeable to you that I should submit your name to the Queen for the Mastership of the Rolls.

"Ever sincerely yours,
"W. E. Gladstone."

"28, Wilton Place,
"Belgrave Square.
"*March* 29, 1883.

"My dear Mr. Gladstone,

"Again I have sincerely to thank you for placing at my disposal Judicial office of the first importance. I, however, very strongly feel that the Mastership of the Rolls ought to be held only by an Equity Lawyer of the highest position, and I am sure that no Common Lawyer like myself would receive the confidence of the public, nor would he be able adequately to fulfil the duties of the office.

"In addition to this consideration the strong wish I entertain to take part in useful legislation before leaving the House of Commons causes me again to express the hope that you will permit me to decline the offer you have so considerately made to me.

"Believe me to be,
"Yours most faithfully,
"Henry James."

CHAPTER IX

THE CORRUPT PRACTICES ACT AND BRADLAUGH, 1883

The useful legislation to which James was specially to devot ehimself in 1883 was the Corrupt and Illegal Practices Bill for Parliamentary elections. Already, as a private member, he had succeeded in passing a Bill for the improvement of Municipal Elections, but ever since his first election at Taunton he had had at heart the grave importance of lessening corruption in Parliamentary elections. This intention had been by no means impaired by the Taunton election of 1880, and his knowledge of the condition of affairs in that borough, where the tradition of the past still existed. In January 1881 he had moved to introduce a Bill against Corrupt Practices in a speech filling five columns of Hansard. He then stated that the evils to be removed were chiefly due to lavish expenditure, which had increased of late years, giving a preferential position to wealth, and an opportunity to a class of men whose sole object was to make money out of elections. The object of the Bill was to abolish the system of paid employment, with definite and limited exceptions. In order to prevent ingenious persons from evading the Act, the limit of expenditure was fixed. The Bill was read a second time in February, but, owing to the pressure of Irish debates, it could not be proceeded with, and on July 11 was withdrawn. A Bill was again introduced in February 1882, and read a second time on April 24. James filled fourteen columns of Hansard on this occasion, and dealt with various criticisms. He said there were two objects in view—the first to lessen the expenses of elections, the second to deal with corrupt practices. The great expense deprived the House of the services of useful men, was a burden to those elected, and, in itself, led to corruption. A juster representation would be obtained if volunteers could be employed instead of paid agents, while many expenses were only matters of fashion and custom. The maximum must be fixed, with one schedule for counties and another for boroughs. Without a maximum the greatest benefit of the Bill would be lost. The candidate must suffer for the act of the agent, for, though hard in certain cases, this principle made the agent more careful. There was much to be said for closing public-houses on polling day, owing to the great treating and bribery which took place there, but there were also strong arguments against closing, particularly in County elections, where a voter had to travel seven or eight miles. The debate continued on April 25, and the Bill was read a second time on April 27, but had to be withdrawn on July 28. In December 1882 the subject was revived, with authority behind it, when Mr. Gladstone wrote :—

" *Private.*

" 10, Downing Street,
" Whitehall.
" *Dec.* 4, 1882.

" My dear Attorney-General,

" The Cabinet think that the section of time before Easter 1883 should, so far as legislation is concerned, be occupied as follows :—

" 1. Criminal Code Bill
" 2. Bankruptcy
" 3. Patents

} to be introduced forthwith and referred to Standing Committee in prosecution of our announcement and of the understanding now established.

" 4. Corrupt practices : to take any other evenings which may be available for legislation in the early part of the Session.

"They request you to consider, and I think virtually to decide, whether to include in your Corrupt Practices Bill the provisions needful to accompany the renewal of the Ballot Act.

"Yours sincerely,
"W. E. GLADSTONE.

"I hope you did not starve to-day in consequence of all your kindness and attention."

The opportunity for James had now come, and he replied on the following day:

"THE ATTORNEY-GENERAL'S CHAMBERS,
"NEW COURT,
"TEMPLE, E.C.,
"*Dec.* 5, 1882.

"MY DEAR MR. GLADSTONE,

"I will do my best to carry out the wishes of the Cabinet.

"In addition to the measures you mention I wish much to make an attempt to pass a Criminal Court of Appeal Bill. The non-existence of a Court of Criminal Appeal cannot be justified theoretically, and practical injustice occasionally is occasioned thereby. From all I hear I am sure that such a Bill will be very well received in the House of Commons.

"Believe me,
"Yours most faithfully,
"HENRY JAMES."

The letter is endorsed in Mr. Gladstone's handwriting "To the Lord Chancellor and Sir W. Harcourt," and returned marked "I agree with the A. G. W. V. H. Dec. 6th/82." The Lord Chancellor wrote a memorandum.

"30, PORTLAND PLACE, W.

"I should be very glad to see what the A. G. would propose on this subject; in principle, I agree that some greater power of Review or Appeal than is now given should exist in criminal

> cases, but I do not think it would do to give convicted prisoners an unlimited power of protracting proceedings by colourable appeals; and, in the most serious class of cases, this objection seems to me to have great practical importance.
>
> " SELBORNE.
>
> "*Dec.* 5, '82."

The letter was further endorsed " Send to Atty. Genl. Probably A. G. will commun. with Ld. C.

" W. G."

It was not for many years that James's desire for a Court of Criminal Appeal passed into law, but the coming Session did produce a Corrupt Practices Act, although Mr. Gladstone was far more interested in the Bradlaugh case, on which he bombarded the Attorney-General with letters. James introduced the Corrupt Practices Bill on February 16th, 1883; it was read a second time on June 4th after opposition by Mr. Warton and Mr. Lewis leading to a ten-column speech by James, and then debated for twenty-one nights in Committee. James spoke very frequently, and on nearly every clause, accepting many amendments. Sir Assheton Cross, Lord Randolph Churchill, Mr. Lewis the chief opponent, Ashmead Bartlett, A. J. Balfour, Sir Charles Dilke, Edward Clarke, James Lowther, Henry Labouchere, Jesse Collings, and William Grantham were constantly speaking in Committee. James opposed amendments designed to limit corrupt acts to within three months of the election, as tending to legalize corruption at other times. There was much discussion on the word " Entertainment," and what kind of entertainment was a Corrupt Practice, on which James said " Entertainment was meant to cover any kind of hospitality that should corruptly influence a vote." The great discussion arose on the words " undue influence." The inner meaning of this discussion was whether the influence of the Irish priesthood was to be curtailed. The Irish members spoke one after another, and Mr. Parnell proposed an amendment, and then withdrew it in favour of another amendment, which was to omit the words "Bribery under influence" and insert a long paragraph, which he declared to be the judicial interpretation of "undue influence." James pointed out that this amendment left out the words "or in any other manner practises intimidation," and said he would not be a party to an omission which would declare by express legislation that undue spiritual influence should remain unchecked. Finally an amendment was accepted, to insert the words "and undue influence, as defined by this Act," which left the definition for another night's debate. On the fifth night, in a long speech, James said he could not accept Parnell's amendments, but would try to meet his wishes by an amendment that any person should be guilty of undue influence who, for the purpose stated, inflicted, or threatened to inflict, "any temporal or spiritual injury." This might allow proper persuasion, but would cover such a case as refusal of religious rites. Sir Hardinge Giffard strongly opposed the concession, and Mr. Parnell asked for further amendment. James made four more speeches, but after long and heated discussion the concession was at last passed.

A further debate arose on the question whether a guilty candidate should "ever" sit again for the same constituency, but James strongly insisted that it was necessary he should not, otherwise he would in the end obtain the advantage of his corruption. There was discussion on the use of carriages for the poll, one amendment proposing that it should be illegal to lend a carriage, and another discussion on the relief of innocent candidates from the actions of their agents. James opposed a large number of amendments tending to relieve candidates on this score, and also opposed any tribunal other than High Court judges hearing questions arising out of elections. At length the Bill was reported on July 13, passed through the Lords on the 13th, 16th and 27th August, and received the Royal Assent on August 28, 1883.

This great effort set aside old customs, and overrode prejudices and privilege. It was based upon experience and knowledge of facts, and experience in a borough where a small number of people were entitled to a vote. It met with unexpected success from all parties in the House of Commons, but it cannot be claimed for James that he was a great legal reformer or set himself in the front of legal reform with imagination to foresee the necessity for changes, and to press forward wide developments of the law.

The changes, however, effected by the Act have been far-reaching and did much to alter methods and procedure before and at elections. One instance may be cited in a letter, at a little later date, received from the first Duke of Westminster.

> "EATON.
>
> "DEAR SIR HENRY,
>
> "I would like to give my tribute to you on the success of your Corrupt Practices Act. It only requires a glance at 'the good old days' to estimate its immense effect.
>
> "At one Election at Chester shortly before the Reform Bill of 1832, my grandfather contested both seats and won them! The expenses amounted to no less a sum than £95,000!
>
> "The accounts sent in did not condescend to particulars, but charged ten thousand pounds for music, the same for ribbons, same for beer and so on. The publicans sent in any account they pleased—there was universal and fearful demoralization.

> "You have helped so materially to bring us into reasonable bounds in these days, would that you had brought in your Bill in those days and be no older now!
>
> "At that same election the Opposition caught my respected relative, one of the successful candidates, driving home in state over the bridge, when they hurled the equipage over into the River Dee and he was saved by the 'skin of his teeth.'
>
> "Yours very truly,
> "WESTMINSTER."

It is unnecessary to deal at length with the intricacies of the oft-described Bradlaugh case, where the part taken by James is chiefly interesting from the persistent manner in which Mr. Gladstone took part in it, and continually referred for advice to the Attorney-General. The correspondence begins on May 2, 1881.

> "MY DEAR ATTORNEY-GENERAL,
>
> "I would suggest that Mr. Bright's name, and that of the Solicitor-General, should stand with yours on the back of the Parliamentary Oaths Bill.
>
> "Sincerely yours,
> "W. E. GLADSTONE."

The Parliamentary Oaths Bill had to be dropped, and in July Mr. Gladstone wrote:—

> "I think you should see a letter which Dilke has had from Labouchere, enclosing one from Bradlaugh to himself, and I should be desirous to know whether you think there is any likelihood of serious embarrassment. I wrote to Bradlaugh yesterday to tell him that the Government could do nothing more with the Parliamentary Oaths Bill during the Session. If Bradlaugh resorts to physical force, and mischief results, it will be very

> difficult to carry on the resistance to him by physical force only. I wish it were possible for him to get an Appeal to a Court of law."

Mr. Bradlaugh's answer was certainly enigmatic. Mr. Gladstone endorsed it: "Let A. G. see this." It ran:—

> "I beg to acknowledge the receipt of your letter, which, in informing me that the Government does not intend to proceed with the Parliamentary Oaths Bill, also intimates by its silence that the Government is unable or unwilling to enforce the law in my case."

After other correspondence on the subject, the question led to long and heated debates on the Affirmation Bill in 1883.

> "My dear Attorney-General,
>
> "Before acknowledging the memorial of 13,600 clergy on the Affirmation Bill, I would like you to look at the point marked 'I.' Is the name of God mentioned in the present affirmation? I apprehend not; then what do they mean? With regard to retrospective action, I am doubtful as to our case on the merits; perhaps you will let me have a few words with you on this point. The memorial is more restrained and moderate than I had expected.
>
> "Yours sincerely,
> "W. E. Gladstone."

On the next day came a letter:—

> "The Cabinet have considered the retrospective operation of the Affirmation Bill, and arrived at the conclusion that we ought not to persist with it. I should be happy to converse with you as to the *modus operandi*."

Four days afterwards came another letter :—

> "We are going to narrow the Bradlaugh controversy, in the matter of the Affirmation Bill, and I should not like, unless it be quite necessary, to revive it in other forms likely to break the course of business and to be otherwise inconvenient."

Mr. Gladstone also asked if James could reply to a question by Sir Stafford Northcote on optional affirmation, or convey his view at question time. The following week came more questions, on an answer to be given to Mr. Newdigate, and soon after a conundrum :—

> "My dear Attorney-General,
>
> "Forgive my troubling you, I understand that *now* non-Christians other than Jews may (probably or certainly ?) take the oath upon the Book or by the symbolical act which according to their respective creeds makes the act of swearing complete. Suppose there is no such Book, or symbolical act. In such case, will the simple repetition of the words, without act, fulfil the law and entitle a man to sit ? Are the words all that the law requires, or must there be an act of some kind ? And in the absence of any other act appropriate to the individual, must that act be the one established by our legal usage ?
>
> "Yours sincerely,
> "W. E. Gladstone."

One incident in the dispute was not without future result. The Attorney-General was asked for a memorandum and history of Oaths, and handed on the task to H. H. Asquith. The document was sent to Mr. Gladstone, who in the House next day said : "I must thank you for the magnificent statement you have sent me touching the Bradlaugh affair," to which James replied :

"I have no personal claim to your gratitude, Mr. Gladstone, for I have not written a word of it." Mr. Gladstone asked: "Well, who wrote it?" and being told, "A young man named Asquith," said, "He must have a remarkable brain, for it is a masterly document." James proposed and had leave to introduce Asquith, and thus aided his lieutenant to the friendship and political support of the Prime Minister.

While there were scores of letters from the Prime Minister on the Bradlaugh case, there was only one on the Corrupt Practices Bill.

The session distinctly marked a closer bond between James and Mr. Gladstone, and in October James was invited to Hawarden, and another task proposed to him.

"HAWARDEN CASTLE,
"CHESTER,
"*Oct.* 3, 1883.

"MY DEAR ATTORNEY-GENERAL,

"Though in the shape of a kind gift of grouse we have had evidence of your activity, your latitude, and your benevolence, I know not your 'periodical time' nor where you may now be. But if you are moving or about to move southwards, I venture to say how acceptable a visit from you would be.

"There is a matter important though not very complex (as I hope) on which I want to consult you. I cannot think it unlikely that we shall try to deal with the County Suffrage next Session, and if so at the opening of it. If the Cabinet should decide to proceed with this measure for the three kingdoms, would it be practicable, as matter of drafting, to do it in one and the same Bill? There would obviously be very great Parliamentary advantage in such a course. It is conceivable that this might be done in either of two ways: either by an extension in each country of the town household suffrage to the country, or by a single

> enactment; but practically I suppose there may be insuperable difficulties of form attaching to this latter mode.
>
> "Believe me,
> "Always sincerely yours,
> "W. E. Gladstone.
>
> "I hope that, after your time of relaxation, you are not the worse for your great labours during the Session."

In the following month Mr. Gladstone wrote again :—

> "I think it might be well that you should now, without prejudice, and to see how the thing looks, have a Bill drawn on the lines of your paper about the Franchise.
>
> "I would observe that, in the drafting of the Bill, form is of the utmost political importance. And by form I mean brevity. The endeavour will be to beat us by and upon entangling details. . . . Every needless word inserted will be a new danger.
>
> "Pray consider how far we can go in this sense. The feeling of a draftsman as such, his natural feeling as an artist for perfection of form, will be against us: but we should fasten our eyes on what is cardinal and primary. I understand our principle to be (provisionally) one franchise, for the three kingdoms, in County and Borough; by reciprocal extensions; abuses of property-rights being restrained by prohibition of subdivision and the like (except in certain cases), but without personal disfranchisements.
>
> "I can dine in London on Thursday."

The week after came another :—

> "The question has occurred to me, 'What if, on account of the general similarity of law, it should be found more easy to give assimilation of franchise in a simple way to Ireland than to Scotland?' If your Bill should be capable of extension

> to Ireland, without a series of substantive clauses, but such a series should prove requisite in Scotland, I only wish to say that, in such case, I do not see why you should avail yourself of the simple method for Ireland, and take the detailed one for Scotland. Do not reply."

Mr. Gladstone seems to have omitted an important "not" after the words "why you should," as a reason for the simple method for Ireland was abundantly obvious.

On November 23 Mr. Gladstone wrote: "The Cabinet decided yesterday that *if* they proceed with the franchise it shall be dissociated from redistribution," and on December 28 he asked that the Bill might be ready *immediately* after the Address "and Speaker," the allusion being to the coming choice of Speaker, for which office Mr. Arthur Peel was nominated by Mr. Gladstone.

The success which James had achieved in the Corrupt Practices Bill raises the question of his skill in Parliamentary oratory. The main point was that he was listened to, and he was listened to because he used argument and persuasion, in preference to declamation or invective. In some measure it was the style of an advocate, there was precise care, his speeches were always well arranged and very lucid, his language polished and felicitous. There seemed to be a certain restrained force, a sincerity, a deference to his hearers, rather than any attempt at dictation. These qualities, coupled with a melodious tone of voice, caused many people to delight in his speeches, even though they were sometimes rather diffuse, with a tendency to repeat an argument or sentences in various forms. There was a curious inversion of the usual position of words, which is noticeable both in speeches and writing. He was very fond of concluding an argument with phrases such as "and so it was that," and in his speeches on the platform he liked to insert some tag of poetry which had caught his fancy, but was not always quite relevant to the matter under discussion. In his later days, for example, there were four lines of bad poetry, which he repeated on several occasions, and of which he took considerable trouble, without success, to find the origin. This jingle ran :—

"A pebble in the streamlet scant,
May turn the course of many a river.
A dewdrop on the baby plant,
May warp the giant oak for ever."

His platform speeches were by no means dull, because he succeeded in interspersing humorous anecdotes, or poking quiet fun at an opponent, which pleased his audience. In the autumn of 1883 he made a speech at Dumfries, in answer to some very vague financial statements with which the late Attorney-General for Ireland, Mr. Gibson (afterwards Lord Ashbourne), had made some stir. He began his speech by likening Mr. Gibson to the man with the big drum outside the booth of a country fair, and after dilating upon this theme said : "Now to employ language I have heard before, I should say that for a downright straightforward hard-hitting beater of the drum, my friend Mr. Gibson has no rival." Afterwards he continued with a long speech full of figures, and as lucid as any Chancellor of the Exchequer could desire, for an hour and a half. Lest his speech should have been too technical for a public audience he enlivened it at the end "with a description of plural voting in Somersetshire." "One other example let me give you," he said. "There another tithe rent charge has been discovered, and that has been divided into eight parts, and conferred upon Tory gentlemen, principally residing in Exeter. Among them I find the name of the Rt. Hon. W. H. Smith, as the owner of the eighth part of the freehold tithe rent charge upon certain land called

Porker's tenement. (Laughter and cheers.) As far as I know, Mr. Smith has no interest in the Western division of Somerset, is probably unacquainted with Mr. Porker (laughter) and has never seen his tenement. I hope that my right hon. friend will not think that I am holding him up to public condemnation, he is well within the law in obtaining this vote, and if he be any way in fault, I am afraid that I myself am an offender in like degree. (Laughter and cheers.) To support a candidate whose friendship I much valued, I became the owner of the rent charge upon, I believe, a coal shed. I have never seen that shed. I am not interested in it nor its contents."

In the preparation of his speeches, James would take great care over a few special paragraphs, which he called his purple patches, and, as has been said, most carefully designed headings and sections in very short form. In the delivery, he either appended to these headings phrases that he had thought over in his mind, but not written down, or trusted to the inspiration of the moment. In legal speeches his method was much the same, and the notes he would take were very brief, but always marked some salient point which would affect the issue he was endeavouring to obtain. He looked at these notes as little as possible, and when cross-examining a witness, very seldom took his eyes from him. He disliked turning round to his juniors, as so many leading counsel do, but readily took a slip of paper from them, or listened to a murmured hint. Some of the junior members of the Bar were rather afraid of him, and he could be brusque, but those who knew him well always felt that he was one of the kindest of men. He asked once why a leading member of the Bar seemed rather unpopular. The reply was that the leader in question sometimes forgot the immense respect felt by the junior Bar for the Attorney-General, and also did not recognize how much older he was than a young junior behind him.

James replied, "Probably that is true," and showed much softer manners to his own juniors from that date.

All leading members of the Bar have "devils" or assistants to work up notes and references to legal cases and statutes. A barrister who becomes Attorney-General has also junior permanent assistants holding official position, of whom the chief is the Solicitor-General. Of private devils James had many in the course of his career, of which mention will be made later. The first was Mr. Nathaniel Baker, a Cheltenham boy, who worked with him for many years, but retired owing to health and preference for a country life. Mr. Thomas Snagge aided him in the Foreign Loans Enquiry, and Mr. R. S. Wright (afterwards Mr. Justice Wright) on the Corrupt Practices Bill. Sir William Harcourt was Solicitor-General in 1873, and Sir Farrer Herschell (afterwards Lord Chancellor), one of the most acute minds of the Bar, in the Parliament of 1880. In 1883 Mr. Thomas Snagge was appointed a County Court judge, and in the same year Mr. A. L. Smith, the Junior Counsel to the Treasury, was raised to the Bench. In writing to Snagge, A. L. Smith well expressed the opinion of the successive "devils" who aided James. "I am excessively sorry," he wrote, "for one thing and one thing only, and that is that I leave James. He was to me the nicest, kindest and best of men." A. L. Smith was succeeded, as Junior Counsel, by R. S. Wright, and Snagge as private "devil" by H. H. Asquith.

CHAPTER X

THE FRANCHISE BILL OF 1884

The sands of the Liberal Government were beginning to run lower, though it may be doubted whether in 1884 the leaders realized the fact. The Franchise Bill and Ireland were to occupy the Session, but the Bill was not to go through without that re-distribution which the Cabinet had desired for the time being to avoid. Ireland was to cause continued trouble, and likewise Egypt. Of the latter difficulty one finds James saying in February 1884, " Beyond Egypt proper there is a vast wild tract of country. It is larger in extent than France, Germany and Italy combined, its vast plains are often waterless, its climate deadly to Europeans. To conquer and hold the Soudan is an impossibility. It is a place

> ' Where victories are vain,
> Where those who conquer never win
> Nor those receive who gain.'

Towards it the Government has accepted no responsibility. To have done so would have been the acceptance of a burden almost impossible to be borne, and would have been in the very teeth of those principles which have ever opposed the acquisition of useless Empire, merely for the sake of what is called prestige." In May he was saying: " Bear in mind that the Government, while their duty is without doubt to protect the life of General Gordon, have a paramount duty still, namely, not to send thousands of Europeans to certain death and certain destruction in passing through the unwatered deserts of the Soudan, in the hope of affording relief to a man who, there is every reason to believe, will be able to secure it for himself. But be sure of this, that when our opportunity, and the first opportunity, presents itself, if that relief has not been obtained by General Gordon for himself, Her Majesty's Government have undertaken the obligation of making his safety their care, and at the earliest moment, consistent with their duty to their English soldiers, who will have to fight and suffer, that safety will be attained by the efforts which the Government will make." It was not till nine months later that the failure of this prophecy added still more to the difficulties of the Government.

In the very first week of January Mr. Gladstone began to write numerous letters on the Franchise Bill, and James, while preparing for the conduct of the Franchise Bill, was reconsidering his personal position as member for Taunton. The difficulties of working such a borough, which might soon return only one member, rendered the chances of a Liberal candidate very uncertain. Sir William Palliser, his Conservative colleague, had died, and at the by-election a Conservative had beaten Mr. Roger Eykyn by a large majority. A friend, Mr. Robert Needham Phillips, member for Bury in Lancashire, proposed to retire at the next election, and offered to ensure that James should get that seat, by a probable majority of fifteen hundred votes. James accepted and on April 23 sent a farewell letter to his constituents at Taunton. At the end of May at two meetings held at Bury he was unanimously adopted by the Liberal Executive and Association as the Liberal Candidate for the next election.

In the speeches with which he introduced himself it is evident that the Franchise Bill was the chief subject of his thoughts. He seems to have taken alarm at a meeting held by certain peers on the 10th of May, at which it was said that a resolution was come to that the Reform

Bill should be thrown out upon its appearance in the House of Lords. James attacked the course taken as unprecedented and unconstitutional, because judgment was given upon a Bill before its full terms were known, or the safeguards with which it would be accompanied. He particularly selected Lord Salisbury for criticism. "When moderate peers," he said, "taking a moderate view, attempt to check him, he retires in a sullen mood, as defeated and thwarted leaders often do, to his tent, and ceases for a time to take part in political action. Do the peers think they are choosing the best issue for a party struggle in making the question one of the rights for two millions of men, endorsed as it has been by a majority of the House of Commons, representing an electorate more than two to one in favour of the Bill? . . . When we are told that what the Tory party is longing for, is nothing more than a spirited foreign policy, how are we to regard such a policy in the hands of such men? It will be nothing more than

> 'A wild and dreamlike trade of war and guile,
> Too foolish for a tear, too wicked for a smile.'"

During the summer of 1884 the Franchise Bill proceeded through the House of Commons, reaching the Lords in the first week in July, when they passed an amendment declining to alter the Franchise except in connection with a scheme for the redistribution of seats.

At the end of July there was a Liberal Mass Meeting at Manchester, attended by Lord Hartington, Mr. Bright and Sir Henry James. The latter was introduced by Mr. Bright as having to his credit "that more than any living man he has been concerned in the drawing of the Bill which has been so acceptable to the House of Commons and the country, but which is so much disliked by the House of Lords." Falling in with the prevalent view, James again attacked the action of the Lords.

"Leaders who, like Lord Salisbury, arrogantly refuse to yield one atom of personal opinion should remember and be true to the traditions and history of their House. They should remember that there have been throughout our history revolutionists and revolutionists. There have been men who, by means of physical force, or insidious sedition, have plotted and have planned to overthrow Governments and to undermine the Constitution. They have seldom succeeded, and the penalties have always been great. But there is a more dangerous class of revolutionists still. I mean those who, while professing great loyalty to the Constitution, forget its first principles and deny their true application. They are the men who now are plotting against the safety and maintenance of our institutions, by placing them in a wrong and an untrue position. It seems to me that Lord Salisbury forgets that the Chamber in which he leads ought not to be used for mere party political purposes. He seems to desire to change all that ornaments that Chamber, to divest it of that venerable appearance which time and moderation and some good deeds have conferred upon it. He seeks to convert it into an additional wing of the Carlton Club. There is also one physical law that the Peers would do well to remember, and that is that every material which refuses to be bent, always runs the risk of being broken; then are we not acting even with very loyalty to the institution which Lord Salisbury is endangering, if we endeavour to bend it, lest he should break it? . . . Lord Salisbury has termed the Prime Minister a dictator, and his followers in Parliament servile. In so saying he misrepresents the Minister and slanders the Parliament. It may well be that a leader like Lord Salisbury, whose followers do not always follow him, may fail to appreciate the bond which exists between Mr. Gladstone and the Liberal members of the House of Commons. Lord Salisbury may appeal to the pride of the Peers, and may tell them to reject this Bill, lest they should be supposed to be yielding to intimidation. Mr. Gladstone can invoke the support of his Party by appealing to a devotion produced by long services to his country, and great personal qualities. Of the chief whom we now follow it will be said that

> 'He gained a nation's homage
> Nobler than its throne.' "

As one paper remarked, Sir Henry James was full of his Bill, but it was somewhat of a bathos after this denunciation that he had to say, a year later, in October 1885, when the Liberal Government had fallen and the Bury election was pending, nothing more than "The anxieties we then felt, when I came some eighteen months ago a stranger to your Hall, as to the fate of the Franchise Bill, have not been realized."

Owing to the action of the Lords an autumn session had been decided upon and a Committee on Redistribution formed by the Cabinet, to which James was attached. But the chief work undoubtedly fell to Sir Charles Dilke, whose plans were largely in accord with plans acceptable to Lord Salisbury, and to him, after intervention by the Queen had led to a meeting of leaders, fell the task of effecting an arrangement with Lord Salisbury. A settlement known as the Arlington Street Compact was not made till November 28, and all through the autumn hot words had been spoken on the platforms, Mr. Chamberlain especially making bitter attacks upon Lord Salisbury and the Lords. He was not very content with an agreement, and on December 27, in thanking James for pheasants, wrote: "I have not yet recovered from the shock of recent events. We are in the position of a general, who should have encamped before a fortress, and made all his preparations for a *siège en règle*, and who just before opening fire should receive a message from the Commander that his gates were open, and that he was only waiting to escort him, with all the honours, into the citadel. If I was a Tory I would 'pison Salisbury's rum and water.' If he had been in the pay of the Caucus what more could he have done to destroy his party, and give up everything for which it has hitherto existed?"

CHAPTER XI

THE ELECTION OF 1885 AND HOME RULE

It is plain that in the early summer of 1885 no idea existed that the fall of the Liberal Government was imminent. Egypt and Ireland had made the Government unpopular, there was dissension in the Cabinet itself, but the Crimes Act was being introduced on the basis which Liberals and Conservatives had previously united in supporting. Mr. Gladstone was anxious that as many clauses as possible should be drafted in a manner that could be generally applied. He wrote on May 11: "Can you and the Solicitor-General now tell us whether you think any of the points touched in the Crimes Act can be handled in such a way that they may be parts of the General Law?"

At the end of May James went abroad with Lord Randolph Churchill, of whom he wrote: "I had rendered him some service by causing a renewal of friendly relations between him and the Prince of Wales from whom he had been estranged since 1876 till February 1885, when I acted as mediator between them. From this and other causes great intimacy existed between Lord Randolph and myself. He was very outspoken in conversation with me, and never appeared to withhold any of the proceedings of the Tory party from me." Correspondence between the two was always conducted in a vein of humour, and the same remark may be applied to the description given to Lady Randolph of the journey to Paris.

"Grand Hotel,
"Paris,
"*Sunday.*[1]

"My dear Lady Randolph,

"A word of our journey. At Charing Cross Station (Friday morning) the Inspector informed us it was blowing roughly from the S.E. in the Channel. R. C. derided the idea—'nonsense, what a weak creature you are; beautiful day.' At Folkestone, Captain's cabin reserved for two. Randolph spurned it—'beastly place, I shall go on the bridge.' I reclined and read and saw no more of my companion until we arrived at Boulogne. At first I could not find him—at last a sailor came to me and said, 'The gentleman is very ill—but he is trying to come up stairs now.' Then I saw a figure crawling out of the forecastle. He had been on the bridge, literally washed off it—lay on the deck for a time—over the deck the sea poured. It had been the roughest passage I believe for years. To my altered friend I rushed. He really was very ill—and placed a fixed gaze on the ground, still thinking of and feeling the horrors of that voyage. A stout red-haired man approached him: 'Let me as one of your most ardent admirers shake hands with you.' I much doubt if that man will ever make that request again. Propping himself up by means of my umbrella, and tottering notwithstanding, sea-water running away in large quantities from his great coat—a new hat quite spoilt—Lord Randolph slightly inclined a fixed eye embedded in a ghastly countenance of a leaden yellow colour upon that admirer—who fled. In the buffet old Baillie Cochrane quite cheerfully desired 'to communicate something of great interest affecting the Party.' A slight groan this time was heard, so I knew my fellow-traveller was improving. At length into our carriage he found his way—reclining on cushions and covered with rugs. In two minutes he was asleep. Before Amiens he awoke—quite sprightly and with a good colour—smoked two cigarettes—and abused Granville. So I knew he was quite well. We are enjoying ourselves very much. If I had a decent pen, and ink free from dust, I should have made this a most interesting letter.

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[1] End of May 1885.

" Yours, dear Lady Randolph,
" HENRY JAMES."

In the first week in June, 1885, the Liberal Government were out. The Conservatives and Irish having united against some of the proposals of the Crimes Act the situation became more and more difficult, until, on the question of taxation of light wines, the Government were in a minority of twelve and immediately resigned.

In the new " Stop-gap " Government Lord Salisbury became Prime Minister and Sir Richard Webster succeeded James as Attorney-General. Mr. Gladstone with a note of interrogation as to whether James still held that office, which is always retained by its occupant until a successor is actually appointed, wrote early in June :—

" MY DEAR ATTORNEY-GENERAL (?),

" I have had sincere pleasure in submitting your name to the Queen for Privy Councillorship, and she has at once given her sanction.

" I have called this a pleasure to me. It is such in more than a merely formal sense. And I hope it may be agreeable to you to become the youngest member of a body, of which I have the misfortune to be nearly the oldest.

" Believe me,
" Sincerely yours,
" W. E. GLADSTONE."

Sir Henry was sworn in at Windsor on June 24. A similar proposal had been made on November 11, 1873, when Mr. Gladstone, in offering the post of Attorney-

General, wrote that there was another "particular which I ought to mention. We have thought it well to adopt it as a rule, that the Attorney-General of England should be recommended to the Queen for the Privy Council." James had replied that he had "considered the effect such a position may have both in relation to the public service in connection with cases heard before the Privy Council and also as affecting a Law Officer when he had ceased to occupy his office. It appears to me that so long as the jurisdiction of the Privy Council remains unaffected by the operation of the Judicature Act it may be well for the Attorney-General to remain in his present position. As Sir John Coleridge has not received the proposed distinction I have no wish personally to seek it for myself. Unless therefore you entertain a different view I should prefer that the subject may be allowed to be postponed for further consideration."

The distinction was postponed for twelve years and given on his leaving office. In recent days it has become quite usual to make the Attorney-General a Privy Councillor, following the precedent of Queen Elizabeth in the case of Francis Bacon.

Early in July 1885 there was a debate on the Irish Administration of Lord Spencer, in which James took part. "I need not say," wrote Lord Spencer, who had been attacked some months before for not commuting sentence on a man alleged to be involved in a crime known as the Maamtrasna murders, "how important your help would be, as it was in the Maamtrasna debate. Walker has a list of death cases, which have occurred since I went to Ireland, to show (as the Parnellites may try to make out that I blindly let every sentence be carried out), that I commuted a great many cases, some of which were of great importance to the peace of the district."

In September there is a characteristic note from Lord Randolph Churchill, written from near Dingwall, "I was very glad to hear from you. I think you are more absurdly in error than usual, in your criticism upon my Sheffield remarks. With regard to Parnell & Co., the Tory party are like Caesar's wife, above suspicion, and the pledges and denunciations of Repeal, which are necessary from your disreputable lot, would be perfectly out of place from any of the present Government. I am already much better for the change of air and rest, and, owing to the heavy rains, I have been getting some very fair fishing. I hear your chances at Bury are very bad. Shall I go there and make a speech for you? Please write to me again."

The Bury Election commenced on Monday, October 25, with a series of open meetings in the different wards of the borough. The Conservative candidate, Mr. Grant Lawson, was a young man, with no previous Parliamentary experience. James had been seventeen years in Parliament, and was within a few days of his fifty-seventh birthday, but though his black hair was tinged with grey, he never thought of himself as advancing in years. It was quite a shock to him, as he said, when on his first appearance at an open meeting in this new constituency, an ardent admirer greeted his first hit with the words "Good lad, old man." James quickly met the greeting by saying that "having greater experience and greater age" he would have wished to avoid personalities if his opponent had not commenced, and in apology for the absence of his photograph on his election address said, "There was a time when I should have done it; when as Mr. Disraeli some years ago said, 'When our hair was black and curly we did different things to what we do in later times,' and therefore I quite agree that Mr. Grant Lawson has a far greater right than I have to remind you of the fact that he is a candidate by placing his resemblance before you. For my own part I must ask you to be content with the original."

The rest of his speeches were chiefly on local topics and general allusions to the good deeds of the Liberal Party, with a strong defence of free trade, and then he left Bury to speak in other constituencies.

On November 7 he was again at Bury. The election proceeded on quiet lines, until he commenced to answer a special attack from two Irish members, Mr. John Redmond and Mr. T. P. O'Connor. Mr. Parnell had issued a general manifesto that Irish votes were not to be given to either political party until the word of command was given by him, and these members came to influence the large number of Irish voters in Bury. "Within the last few days," James said, "strangers have been in this town, they have placed me on my trial, and they have placed you upon your trial before the people of this country." The first portion of the attack was that James had been instrumental in passing the Crimes Act, and to this he made emphatic answer: "The charge against me is that I took part in framing and carrying through the Crimes Act in order to put an end to crime in Ireland, to detect the guilty and to bring them to punishment, in order that the first duty of a Government should be performed, and that there should be safety for honest men living under the protection of the Queen. . . . This is the only charge that has been preferred when it is said I was the friend of coercion. That I was requested by the Prime Minister to give my assistance to my colleagues in Ireland in framing that Bill and in carrying it through the House, I admit. I did it cheerfully. I would do it again, and win or lose this election. I have nothing to retract, I have nothing to withdraw, I have nothing that I look back upon with other than satisfaction."

On the second point, that the Irish were to vote according to Mr. Parnell's word of command, a manifesto which was indeed common to the whole country, James uttered scathing denunciation.

"Mr. Parnell has stated plainly at a Convention that his object is to render Parliamentary action in this country impossible. He has stated that he will undertake that no business, no proceedings, shall take place in the English Parliament; and the object of the delay in telling the Irish voters how they are to record their votes is this, that the balance of parties in this country may be held in such a position that Mr. Parnell may hold the balance between them and will be enabled to prevent any Government from legislating for your benefit. What is the proposition that, in public meeting here, was put before the electors of Bury? It was this, that for the purpose of defeating English members, and preventing them from legislating for the benefit of you all, the Irish electors are to give their votes to one candidate here, whoever he may be, in order that the Irish may succeed at the expense of every English man and woman in this kingdom. That is the proposition, and on you alone rests the responsibility of defeating it. Let me speak seriously to you for myself. It is shadowed forth here that Mr. Parnell, in order to obtain his own supremacy, may give the order that Irish electors may vote for me. I say that if Irish electors will exercise their own judgment, and deem me fit to be their representative, I shall thank every one of them for his individual vote. But if they believe I am a wrong representative, and if they will against their own conscience vote as they are told by Mr. Parnell because he bids them, I pray them, for heaven's sake, to give no such vote. I hope to my opponent will go all the satisfaction of such support. I trust he will obtain at the poll all the benefit that comes from men driven like dumb cattle to support him."

"This is the question," he went on, "I put to you after reflection, this is the question to me, whether England is to govern itself. Ireland may have its 'uncrowned King,' but is he to be 'uncrowned King' in this community here? What I am meeting here, careless of the consequences that follow by now endeavouring to parry this attack, is a system of absolute terrorism over these electors in this town, and I am endeavouring here, by means of the poll, to show that some independence is left among Englishmen to claim for themselves the right of their own representative, and to say that no one man shall dictate who shall be their representative in the English House of Commons."

A few nights later James went to a district where the Irish voters were numerous in order to reply to a recent speech in the same place. It appeared that Mr. Grant Lawson had been asked a question to which the local paper only said that a perfectly satisfactory reply had been given, without stating the reply. The question was: "Will you vote for a separate and independent Parliament for Ireland?" The answer had been taken down by one of the audience in shorthand, and James produced it. Warmed by the opposition or moved by the form of the answer James went further than he had hitherto gone and burst out, "Mr. Grant Lawson replied that 'in the matter (which is the dismemberment of the Empire) he had determined to give a loyal support to the decision of the Conservative leaders, relying on their patriotism and statesmanship, feeling certain that they would deal with the question for the best advantage of both England and Ireland.' He says this on the eve of an election because the Irish vote is in the balance. But do you think if anyone asked me whether I would vote for the dismemberment of the Empire that I would be guided by the opinion of Mr. Gladstone or anyone in high authority? If fifty Mr. Gladstones asked me to give such a vote I would not give it."

"DEAR JAMES," wrote Lord Randolph Churchill on November 30th, when James had won his

> election, "Delighted to get your letter. What spiteful speeches you have been making. You know I really think I did you a good turn at Bury by preventing any of our great orators from going there, but all your party are a most ungrateful lot. I see that you and I will have to make another great arrangement as we did over the Reform Bill. In approaching the consideration of such an arrangement, you must clear your mind of the ordinary party polemics which are good enough for elections, but which do not form part of statesmanship, and you must recognize that our party has a great popular following and is no longer dependent as it used to be on rotten boro's, or family influence. There is one object you and I have in common, which from its importance smothers all other differences, viz. resistance to the extreme Radicals and extreme Irish. In this we should be prepared to pay a very high price. If it can be attained there is no reason why this Parliament should not have a long life, and do much good. However, I shall like to dine with you on Tuesday at the Turf, and will order dinner.
>
> "Yours ever,
> "RANDOLPH S. C."

But the Conservatives had not gained as they hoped in the counties. "Well," wrote Lord Randolph, on December 7th, "you have had a wonderful success in the counties. Looking back now calmly on the elections it is to me a matter of surprise that we have been able to keep as many county seats as we have. Joe is without doubt the author of your county strength, but the redemption of his alluring promises may be a work of difficulty. Lord Hartington's animosity towards us grows more intense."

When after the elections, parties were so balanced that the Irish vote was predominant, events moved rapidly. It is now known that on December 17th Mr. Gladstone wrote to Lord Hartington speaking of the stream of public excitement and of being pestered with incessant telegrams, and saying that he had " more or less of opinions and ideas, but no intentions or negotiations." He considered that Ireland had now spoken, and that " an effort ought to be made by the Government without delay to meet her demand for the management, by an Irish legislative body, of Irish as distinct from Imperial affairs." He spoke of an admissible plan, and added, " Neither as opinions or intentions have I to anyone alive promulgated these ideas as decided on by me. As to intentions I am determined to have none at present—to leave space to the Government—I should wish to encourage them if I possibly could—above all, on no account to say or do anything which would enable the Nationalists to establish rival biddings between us." He went on that the storm of rumours might cause him to write some new letter to his constituents, " but I am desirous to do nothing, simply leaving the field open for the Government, until time makes it necessary to decide."

On December 18th Mr. Gladstone wrote to Mr. Chamberlain saying: " I am certainly and strongly of opinion that only a Government can act, that especially this Government should act, and that we should now be helping and encouraging them to act as far as we legitimately can."

Commencing on January 26th, 1886, James wrote a memorandum concerning events, which describes in his own handwriting the position as it appeared to him at the time and as it had to do with his own action.

" So much interest will hereafter attach to the treatment of the Home Rule question by individual statesmen and politicians, that I think it right to record my personal observation of events as they occur in connection with that question.

" Sincerely from conviction I am opposed to yielding the demand for a separate Parliament for Ireland; my position as an opponent of an Irish Parliament is rendered more distinct by certain declarations I made during my election contest at Bury in November 1885. On the Parliamentary Register for that borough were some 400 Irish electors. They were regarded as being generally favourable, and I was assured of the promises of some 300 of them. But a fortnight before the election took place Mr. T. P. O'Connor and Mr. Redmond, two prominent Nationalist members, visited the town, called the Irish electors together, and most violently denounced me on account of my having with Sir William Harcourt carried the Crimes Act of 1882 through the House of Commons. A few days afterwards the order was received by the Irish electors from Mr. Parnell that they were to vote in a body for Mr. Grant Lawson, my opponent. To counteract this defection I had to appeal to the loyal and English feeling in the borough. And whilst my opponent declined to say whether he would or would not vote for a separation of the Legislative Union, but would follow Lord Salisbury whither he led, I felt it necessary to be most explicit. I therefore stated more than once that I owed much, perhaps more than anyone, to Mr. Gladstone, to his kindness and consideration, but if my debt were fifty times as great, and if I owed such a debt to fifty Mr. Gladstones, and if they all united to ask me to vote for Home Rule, I would never do so. In consequence of so clearly expressing myself, I lost every Irish vote, but gained some neutral and perhaps some Tory votes.

" Shortly after the termination of the elections in the middle of December, statements appeared in the provincial press to the effect that Mr. Gladstone was disposed to attempt to carry a measure of Home Rule. A more positive announcement appeared in the *Standard* newspaper, and shortly before Christmas a detailed statement of Mr. Gladstone's views, very favourable to legislative separation, was communicated by the National Press Agency to the *Pall Mall Gazette*, and was published in that newspaper.

"It may be well here to notice the position that had been assumed by the most prominent public men in relation to the question. Mr. Gladstone had spoken in Mid-Lothian on the subject, but his expressions were not of a sufficiently definite character to close any path of action he might wish to follow. Lord Hartington had at Belfast and during his contest in the Rossendale Division of Lancashire declared emphatically against any separate Parliament for Ireland. So had Mr. Chamberlain, and Sir Charles Dilke (who was most unfortunately situated in consequence of having been sued as a co-respondent in a divorce suit) was understood to concur with him. Sir W. Harcourt's views were unknown to the public, and, in fact, were apparently of a most indefinite character. It was under such circumstances that the Christmas vacation commenced. I left London on December 24, and remained until Monday the 28th with my brother at Hereford. Whilst there I received the following letter from Mr. Gladstone:—

Private.

HAWARDEN CASTLE,
CHESTER,
Dec. 26, '85.

MY DEAR JAMES,

1. You have, I daresay, considered the possible new forms of the Bradlaugh case. Are you prepared to suggest any mode of dealing with them?

Unless he gets to the Table in the first batch, some sworn member will move against him? I presume an unsworn member cannot? That judgment of the Court is a heavy blow to him?

2. If you could have come here I should have liked to talk over the Irish question with you.

Meantime I will only say I have done what I could to promote the taking up of it by the Govern-

> ment, which would be the best thing for all the interests involved.
>
> If they will not, and if the Irish split from them, then a Parliamentary difficulty arises at once—how can 250 men be allowed to undertake the business of the Session, and how can the majority run away from its duties?
>
> Wishing you a good Christmas and New Year.
>
> I remain,
> Sincerely yours,
> W. E. GLADSTONE.

"On Tuesday the 29th I (having returned to London) called on Lord Hartington at Devonshire House. I found him very anxious, especially in respect of Mr. Gladstone's intentions. He informed me that Mr. Gladstone would give no information to anyone as to his intentions, and did not answer letters from Mr. Chamberlain and others who had written to him on the subject. This reserve had been felt so strongly that Lord Hartington had, in conjunction with Sir W. Harcourt, asked Lord Granville, Mr. Chamberlain and Sir Charles Dilke to meet at Devonshire House on the coming Friday, January 2nd, in order to determine what position was to be assumed in relation to Mr. Gladstone. Upon my showing Lord Hartington the letter I have above set out, he especially noticed the passage 'If you could have come here I should have liked to talk over the Irish question with you,' and suggested that I should accept the invitation (which Mr. Gladstone had previously conveyed to me personally) and endeavour to learn what were Mr. Gladstone's views, and how far he felt committed to them. During our interview Lord Hartington expressed himself most strongly opposed to any substantial concession to the Irish demands. Later in the day I received the following letter from Lord Hartington:—

> I think that before you see Mr. G. it would be as well that you should see the enclosed letters.

> If he professes to treat the rumours and statements which have been published as entirely unauthorised, he should understand that it is impossible for his son and private secretary to interview the manager of a news agency without at all events giving to their statements all the appearance of authenticity.

"Upon leaving Devonshire House I called on Sir W. Harcourt in Grafton Street and found him equally anxious to learn Mr. Gladstone's exact position in relation to the matter. Harcourt was especially pleased at having arranged the coming meeting between Lord Hartington and Chamberlain, as he hoped that joint action on Irish affairs might be arranged, and thus the great differences that undoubtedly existed between them in relation to many political subjects might be lost sight of. He especially urged me to go to Hawarden, and I therefore during the day wrote to Mr. Gladstone informing him that I had already written a full argumentative memorandum for the Speaker's guidance (he having asked me for my opinion), urging him to refuse to allow any interference with Mr. Bradlaugh taking the oath if he sought to do so. Then, having referred to Sir Farrer Herschell's great claims, I added, 'If you think I can be of any service in talking over this bewildering Irish question I shall be very happy to accept your invitation.' On the same evening I left London on a visit to the Duke of St. Albans at Bestwood, near Nottingham. Before leaving town I received a letter from Lord Randolph Churchill.

> INDIA OFFICE,
> *Dec. 28th*, 1885.
>
> DEAR JAMES,
>
> Very many thanks for your kind letter and good wishes which I very heartily and sincerely reciprocate.
>
> I am off to Ireland to-night to spend my usual Xmas interregnum with FitzGibbon.
>
> Your evil prognostications must be entirely

limited to your own party. I do not believe that at any period in history was the Tory party in better heart, more united, or in reality stronger than they are now. Our way on all questions lies clear before us, and no doubts or fears of any sort or kind make us turn or hesitate.

I wish I could go and shoot your pheasants, but shooting gives me such headaches that some years ago I abandoned it altogether and turned my guns into money.

Yours ever,
RANDOLPH S. C.

"I did not go to Hawarden, having received the following letter from Mr. Gladstone:—

HAWARDEN CASTLE,
CHESTER,
Dec. 30, '85.

MY DEAR JAMES,

I thank you very much for your letter.

Glad as I should be to see you here at any time, I must not draw you with Ireland for a bait. I am waiting for the situation to clear itself by some definite account of the relations between Tories and Nationalists, on which our position a good deal depends. Meantime I have thought it right to add virtually nothing to my public declarations except to accentuate my desire to see the Government act and also help them in acting, if act they will.

As to Bradlaugh I am glad to see you have got the question so well in hand, and also to find the risk of further embroilment rather less than I had feared it might be. . . . You will I hope keep yourself in communication with the authorities of the House, and will not scruple to refer to me if you should find occasion.

Wishing you a happy New Year,
I remain,
Sincerely yours,
W. E. GLADSTONE.

"Lord Hartington said nothing on the subject in his next letter of January 1st, 1886, but wrote a long dissertation on Land Law Reform.

"*Monday, January 25th.*

"On leaving the House for the purpose of dining at Brook's, I met Hartington in the corridor and rode with him in his brougham to the Club, where we dined. He gave me no details, but I learnt from him that Sir Henry Ponsonby had seen him and had brought a message from the Queen. Hartington also told me that when Mr. Gladstone took leave of the Queen, on leaving office in June last, he told her he was saying farewell to her in his capacity as a Minister. The Queen seems to have accepted this as final, and when a few days later she wrote to Mrs. Gladstone congratulating her on Mary Gladstone's engagement, she concluded the letter by expressing the hope that Mr. Gladstone was enjoying the repose from public affairs he was so much entitled to. Late at night a division was taken on Mr. Barclay's amendment to the Address.[1] I actively exerted myself amongst the moderate Liberals, begging them to vote with the Government, and was so far successful that the amendment was defeated by a majority of 28—211 to 183.

"*Tuesday, January 26th.*

"The debate and division on Jesse Collings' amendment to the Address in favour of his allotment schemes took place to-day. I learnt from Lord Richard Grosvenor that Mr. Gladstone had insisted upon the Opposition whip in favour of the amendment being one of three lines, which, according to custom, meant that those who received the whip were expected to vote as requested. This, of course, rendered the defeat of the Government certain, as the Irish had intimated their intention of voting with the Opposition. In the course of the afternoon I saw Hartington, who told me he should certainly vote and probably speak against the amendment. At the end of the debate he did so speak in the most dignified and considerate manner, but only 17 Liberals, including myself, voted with him—the numbers on the division being 331 for the amendment and 252 against, majority against the Government, 79.[1] Eighteen Liberals voted against the Resolution and seventy-six were absent. Seventy-four Irish voted for the Resolution, joining the majority of the Liberals.

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[1] Mr. Barclay's amendment represented "the pressing necessity for securing without delay to the cultivators of the soil such conditions of tenure as will aid and encourage them to meet the new and trying circumstances in which the agriculture of the country is placed." (Neg. by 211 to 183, Liberal leaders abstaining.)

" *Wednesday, January 27th.*

" Whilst engaged this morning before the Railway Commissioners Mr. Herbert Gladstone came to me and said that his father particularly wished to see me at once. I had in the House of Commons yesterday evening told Herbert Gladstone of the pledges I had made to the Bury electors, which I told him I felt precluded me from taking office under anyone who intended in any way to attack the Legislative Union. I made this announcement to him in the hope that he might repeat it to Mr. Gladstone, which he now informed me he had thought right to do. Upon receiving the message from Mr. Gladstone I at once went to Devonshire House for the purpose of learning from Lord Hartington the position he intended to take up towards his former colleagues. I found Lord Hartington and Lord R. Grosvenor together, and I asked Grosvenor to let me speak to Hartington alone. I then told him that I had followed him in voting against Collings' motion last night and wished to continue to act with him, and therefore I desired to know whether he proposed to remain firm and refuse to accept office under Mr. Gladstone if Home Rule was part of the policy of his Government. Without giving me any distinct promise, I understood that such was his intention, but his mind seemed to be dealing with the details of some scheme to secure partial legislative independence, and the horror of commencing a fresh campaign of coercion seemed to be paramount in his mind. Still, he said, he should adhere to his Belfast and Rossendale declarations.

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[1] The amendment of Mr. Jesse Collings read : " But this House humbly expresses its regret that no measures are announced by Her Majesty for these classes, and especially for affording facilities to the agricultural labourers and others in the rural districts to obtain allotments and small holdings on equitable terms as to rent and security of tenure."

"Hartington told me that Mrs. Gladstone had called upon him at an early hour, bringing him a message from Mr. Gladstone thanking Hartington for the kindness of tone which pervaded his speech the night before.

"At 1.30 I called on Mr. Gladstone at 21, Carlton House Terrace. I found him alone, reading. He was most cordial and kind in manner and words. He began by saying that Herbert had informed him of the conversation of the night before, which he presumed had influenced my vote in favour of the Government. Of that vote he thought nothing. It turned upon a small matter of compulsion about which he cared but little. He had had no share in bringing the motion forward, but could not avoid supporting it. But he felt my vote was intended to apply to grave questions in the future, and he was good enough to say that he earnestly hoped I would not leave him or the Liberal party. Mr. Gladstone then proceeded to deal somewhat discursively with the Irish question generally, but constantly interposing interesting statements of fact. As to Forster's Act for suspending the Habeas Corpus Act, he said he had always pposed it—'most strongly opposed it,' but, with one exception, 'perhaps Granville, though I am not sure even of him,' he stood alone in that opposition, and if he had insisted on it the Government must have been broken up. 'How could I do that, looking at the grave, the enormously grave questions then awaiting a settlement? And so I yielded.'

"I reminded him of a conversation I had had with him in 1881, pointing out that the Suspension Act only prevailed by frightening criminals (whose consciences became alarmed by fear of being arrested) into flight, but that as soon as we arrested men like Parnell, who, whatever their crimes, played with their cards on the table and never ran away, the Act was worse than useless. Mr. Gladstone said, 'Ah, yes, I recollect it well, and quoted your saying to the Cabinet.' Mr. Gladstone also gave a passing sketch of Parnell's position. 'I assure you he knows nothing of my opinions or intentions; they have never been communicated to him. But I do know something of his.' Once Mr. Gladstone used the phrase, when speaking of Parnell, 'He told me'—more than once. In the spring of last year Parnell's views were, Mr. Gladstone said, of a moderate character. Propositions had been placed before the Cabinet involving the creation of Legislative Councils, 'but were most unfortunately rejected.' 'Nothing can be more absurd than to call those propositions Chamberlain's. Though Chamberlain placed them before the Cabinet, they were Parnell's, and his only.' But the rejection of these and the action of the Tory Government caused Parnell to make far greater demands than those of the spring of 1885. The concession in the Maamtrasna Debate in July, during the Tory Government's term of office, had the greatest effect upon him. 'He has wonderful shrewdness, has Parnell—and he read his position at once. "If they will give me this, they will have to give me almost anything," he said. And now we must deal with him as he is and in view of recently-passed events.'

He then referred to me personally and said: 'Everything I can offer you is at your disposal. I regard Selborne as gone. His conduct in opposing us at the elections on account of the Disestablishment cry, his general declarations of his intention to retire, and his refusal to come to Granville's dinner put him on one side. My wish is that you should be Chancellor, but I hear you would prefer a more political office. If so, let me know the position you would prefer.'

"During all this time I remained silent, excepting the one interruption I have referred to, but I now asked him to let me place before him the occurrences at Bury and the strong feeling I had that such positive declarations could not be lightly put on one side. After listening most patiently, Mr. Gladstone said: 'Well, but you had not then before you the expression of the opinion of the Irish people. These 85 men have been returned since.' This I admitted, but I pointed out that we all anticipated such a return. 'Still,' he continued, 'public men must change opinions. Look at Sir Robert Peel—he had the courage to make a complete change.' To this I replied that Sir Robert Peel had passed through a sliding-scale and that he lost instead of gaining office by the change. No one ever had thought it possible to doubt his sincerity. 'Well then,' said Mr. Gladstone, 'look at Marriott—though he certainly is not a pleasant spectacle.' I laughed at this, and said, 'I would rather not look at Marriott in connection with the subject.' We then passed on to the course events would probably take. Mr. Gladstone said, 'I really do not know I shall be sent for at all, but I suppose eventually the Queen must ask my assistance. Old as I am, I shall make the attempt to form a Government and try and settle this Irish question. But I do not know if I shall be allowed to do it; I may have terms or restraint imposed upon me I could not consent to.'

"I then told him, without mentioning my authority, that I knew the Queen looked with especial favour upon the paragraph in the Speech referring to the maintenance of the Legislative Union, and that she might insist upon the Government being carried on subject to the views expressed in that paragraph being regarded as binding on the Minister.' 'Ah, that confirms me in my idea of what will happen. But she must be careful,' was the reply.

" Mr. Gladstone also spoke with some bitterness of the Queen in such a crisis remaining at Osborne, and so causing great delay in dealing with events and inconvenience to those who had to wait upon her. The result of our interview was that I gave no answer to his request that I should, if he formed a Government, take office, but I assured him that whatever should be the position taken up by me, I should always be devoted to him personally and should endeavour to show that I never could forget his great and constant kindness to me. Mr. Gladstone held my hand in his for a minute or more, and showed more feeling than I had ever seen him display. Still, the impression left on my mind was that his sole purpose was to prevent himself being weakened by desertions of old colleagues, and his compliments especially seemed to be so designed. 'You will bring a high character to the Ministry, but it is your constructive hand I want the assistance of.' When he saw I had grave doubts as to the possibility of Home Rule, which I stated, he met my arguments for a time, but then said: 'Surely you can trust Spencer, you know how safe he is; do consult him and let him guide you.' As I had learnt from Lord Hartington that Spencer had been 'talked over' by Mr. Gladstone to agree with him in his Home Rule opinions I knew the advice I should be likely to receive from the suggested mentor.

" Mr. Gladstone also informed me that the Irish Permanent Secretary, Sir C. Hamilton, and Mr. Jenkinson, the head of the Detective Department, had both become Home Rulers. Just before parting, Mr. Gladstone exclaimed, 'Ah! but the worst of all this is, I am 75 years of age; the sand in the glass is nearly run out; how can I accomplish this work, and who is to take it up?' He again referred in most complimentary words to the help I could give—but to them I made no response. As I was leaving, I met Mrs. Gladstone, with whom I had some pleasant, courteous words, and also Miss Gladstone, whom I congratulated on her marriage, which is to take place next Tuesday.

"Thursday and Friday the 28th and 29th were barren in political events, but on the morning of Saturday the 30th I received, whilst engaged in a case before the Railway Commissioners, the following note from Mr. Gladstone:—

> My dear James,
>
> Please to come to me at once, or at the *earliest* moment you can command.
>
> Ever yours sincerely,
> W. E. Gladstone.

CHAPTER XII

THE SPLIT ON HOME RULE, 1886

"In accordance with this request, I went immediately to Carlton House Terrace. On my arrival I found Lord Hartington was with Mr. Gladstone and I was shown into the dinner-room, where Mrs. Gladstone was. She was effusively kind, and almost implored me to do my best to assist her husband.

"Mrs. Gladstone informed me that on the night before everybody in the house except Mr. Gladstone was in bed when Sir Henry Ponsonby called about one o'clock in the morning. Why his visit was so late she did not know, but that the Queen's letter was most kind, saying she would impose no conditions upon him, as she was confident she could safely entrust the interests of her empire to him. Mrs. Gladstone added that when Mr. Gladstone came to bed he read the letter to her, saying: 'Not a word now. Off to sleep.'"

"Whilst talking to her, a large parcel arrived for Miss Gladstone, which Mrs. Gladstone, regarding it as containing a wedding-present, proceeded to open. It really was one from myself, which by accident had arrived at this time; and so I saw produced, one after another, articles comprising a Queen Anne breakfast and tea service, Mrs. Gladstone's exclamations of delight growing louder and louder as each article appeared, until she arrived at the card with my name on it, whereupon she propounded a sort of rule-of-three sum in affection. 'If you will be so kind to Mary, how much more kind you will be to William.' I was glad to be relieved from the necessity of answering this interrogative proposition by being informed that Mr. Gladstone would see me. As I passed from one room to the other I met Lord Hartington, who informed me that he had refused to accept office.

"I was received most courteously by Mr. Gladstone, who commenced by saying that he had not forgotten the cheerful expression on my countenance when I left on Wednesday, which, he was quite sure, indicated that I would comply with his request to accept office.

"Without giving me time to reply, he proceeded to say that he had received the Queen's commands to attend at Osborne on Monday, and that he was desirous to be enabled then to place certain names of his future Ministry before her, and he especially desired that amongst those names should be those of men of moderate views. He then said that the Chancellorship was at my disposal and he should be very glad to see me filling that office, but that he had heard I preferred political office, and he should be more pleased if I could see my way to take the Home Office and render him assistance in the House of Commons. He said his experience of my work with him during the passing of the Franchise and Redistribution Bills and my conduct of the Corrupt Practices Bill caused him to feel more confidence in my assistance than that of any other person. Without his using precise words I understood him to convey that he was willing to give me charge of the House of Commons during his absence.

"I then found an opportunity to interpose, and I stated that as to the Chancellorship, I regarded it as a judicial and not a political office; that I thought before a man accepted it he ought to search his conscience and determine whether he was fit to review the decisions of all the judges who had spent their lives as lawyers; that my life had had two aspects—political and legal—and that I doubted my fitness for the office, and that if I took office at all I should prefer being Home Secretary, to which view Mr. Gladstone most cheerfully assented.

I also added that there was, in my opinion, only one man fit to be Lord Chancellor, and that was Sir Farrer Herschell, my late colleague. I went on to state to him the exact pledge that I had given at my election and to express my great regret that I still felt my inability to depart from those pledges. Mr. Gladstone combated this view in two ways, first by suggesting, though in very guarded terms, that I might not be called upon to depart even from the strong pledges I have previously referred to. To enforce this view he produced a memorandum written upon one side of a sheet of letter-paper, which he stated he had shown to Hartington and which I understood he also intended to show to the Queen on Monday. The memorandum appeared to me to be most carefully worded so as to render it very elastic and capable of several constructions. The Government was 'to examine and inquire' how far separate legislative functions could safely be conferred on the Irish people, subject to three conditions precedent: (1) the restoration and maintenance of social order; (2) the protection of the minority; (3) the fullest regard to the preservation of the unity of the Empire. There was also a general statement that due consideration must be given to the interests of the three nations of the United Kingdom alike.

"Whilst I was reading the paper Mr. Gladstone observed that he felt sure that this statement would be satisfactory to Parnell, to whom he intended communicating it. I then asked him whether his intention was to submit the document before or after he had formed his Government. If the former, those who joined the Government would have to be informed of Parnell's views. If they were of a favourable character, that is, if he were satisfied with the contents of the memo, the Government was a Home Rule Government to all intents and purposes. But if Parnell would not accept the contents of the memo, as satisfying his demands, the

Government would not exist for a month. ‘Ah,’ said Mr. Gladstone, ‘that raises most important considerations which I have not considered, and the subject is one of such gravity that I must take counsel on the subject.’ I then said that I read the memo as leaving open the road to an Irish Parliament, for that examination and inquiry into the subject of Home Rule rendered it ‘*une affaire résolue*’; no return to ordinary Government under existing laws was possible. ‘But look at the safeguards,’ Mr. Gladstone replied. My answer naturally was that the very use of the word ‘safeguards’ showed that the principal act was of the character I suggested, so that ‘safeguards’ against its effects had to be resorted to.

“He then dealt with his second answer to my difficulty. ‘Even if you have given those promises, they result from opinion, and if you change the one—the opinion—the superstructure, the promises, go also. Look at Sir Robert Peel in 1828 and 1829.’ I replied (1) that I had not changed my opinion, and therefore my pledges remained; (2) that my case was different from that of Sir R. Peel—events had happened and time elapsed between his giving the promises and changing his position. ‘So here,’ said Mr. Gladstone, ‘eighty-five Irish members have been returned.’ ‘Not so,’ I said, ‘for I more than once in my election speeches said that Parnell would return with that number of followers, and my promises were given with full anticipation of such return.’ I also added that Sir R. Peel broke up his party and lost office by taking the course he did, whilst I should be breaking that canon of conduct which says that no man should gain anything by changing his opinions.

“Finding me obdurate in my refusal, Mr. Gladstone asked me to see Lord Spencer, whom he warmly praised, and consult with him. He also gave me permission to communicate what had passed between us to Hartington and Harcourt. I at last said I would write to him.

'No, not a line, not a single line. This shall not be the final interview by many between us. I can have, I will have, no refusal, but whatever you say you shall say yourself to me.' He concluded by holding my hand in his for some time, saying, 'Do, do come and help me,' and that I must give my answer to-morrow.

"I left him, much struck by his earnestness, which almost amounted to wildness, and with the feeling that his powers were not what they were. On leaving I went to Lord Granville's house, No. 18, Carlton House Terrace, and asked for Lord Hartington, with whom I walked through St. James' Park to Devonshire House. He told me that he had promised Mr. Gladstone that he would write him a letter for the purpose of being shown to the Queen, in which he (Lord H.) would state that he would give, as far as he could, a general support to Mr. Gladstone's Government, and would offer no opposition to a fair consideration of his Irish proposals. Lord Hartington then added to me, 'I am not sure that it is not the best thing to give a favourable consideration to Mr. Gladstone's scheme. I do not like Home Rule, and never shall, but as things now are, if I oppose Mr. Gladstone and am called upon for an alternative policy, I have not got one, except the bayonet, and I do not think the Liberal party will stand that.' I could not help agreeing with him, and said I should be glad to support him in the course he had mentioned.

"On leaving Hartington at Devonshire House, I agreed to call in the afternoon and see the letter he was to write to Mr. Gladstone. I did so, and the letter was shown to me. The first paragraph contained detailed arguments against Home Rule and justified Hartington's action in refusing to join the Government. But the last paragraph (a long one) was written in the sense I have above mentioned, and certainly went to the extent of expressing the writer's intention not (if he could avoid it) to oppose the Government about to be formed even in relation to its Home Rule propositions.

"After leaving Lord H. I called on Sir W. Harcourt in Grafton Street, and told him all that had occurred. I was aware that Harcourt was desirous of being Chancellor, for which office I thought him eminently unfitted. He has no knowledge of law, not even of its rudiments, and the feeling against his appointment both on the Bench and at the Bar would have been so strong that he never could have exercised any proper authority over the judges. I therefore took care to repeat with great clearness what I had said to Mr. Gladstone as to my opinion of my own insufficiency to occupy the Chancellorship, and I added, 'Mr. Gladstone entirely took my view as to the principal duties of the office being judicial and not political.' Harcourt expressed his intention to join Mr. G.'s Government, at the same time condemning Home Rule very strongly. 'It will be best to let the scheme be brought forward, it will then be condemned and so got out of the way. We shall all come together again then.'

"As I desired more time before giving Mr. Gladstone my final answer, I wrote to him saying that I hoped he would allow me to communicate with the Chairman of my election Committee before seeing him (Mr. G.) again. And I at once telegraphed to my Chairman, Mr. Wrigley, to come to London to see me.

"*Sunday, Jan.* 31*st.*

"Mr. Wrigley came to London, and at once very clearly informed me that if I broke the pledges I had given as to Home Rule he was quite sure that I would not be re-elected at Bury, and that he himself would not support me. I asked Mr. Wrigley to put his views into writing, which he did in the form of a letter. I then wrote to Herbert Gladstone, saying I was anxious to spare Mr.

Gladstone and myself the pain of another interview and begging him to communicate to Mr. Gladstone my final resolve after receiving Mr. Wrigley's letter, which I enclosed.

" During the day I had many visitors, amongst others G. Trevelyan, who consulted me as to whether he should join Mr. Gladstone's Government. I advised him to do so, if he had given no pledges upon the Home Rule question. He assured me he had not, but it seems he must have fallen into some confusion, as I find that even since the General Election such pledges had been distinctly given by him. In the evening I dined with Chamberlain and sat next him at dinner. He told me that he had seen Mr. Gladstone, who had offered him the Admiralty. This position he had declined solely on account of the responsibility it would throw upon his daughter, who was only eighteen, in being the head of so large an establishment as is maintained at the Admiralty for domestic and social purposes. He said he thought he ought to consider her almost as much as his own political position, and he was determined not to put her in a false position. Chamberlain said he had so written to Mr. Gladstone, and when I asked him what office he wished to have, his reply was, ' Well, if I can't get what I want I suppose I must take the Local Government Board.' I learnt from Harcourt a day or two afterwards that the office Chamberlain wanted was that of the Chancellor of the Exchequer, but that the views he had expressed on the subject of property (especially as to ' ransom ') and of graduated taxation, caused Mr. G. to refuse to recommend him for that office; whereupon Chamberlain refused to join the Ministry if anyone except Harcourt was appointed to the Exchequer. Hence Harcourt, who was to have been Home Secretary, was converted into the Chancellor of the Exchequer, and Childers transferred to the Home Office.

"Throughout my conversation with Chamberlain he expressed himself most bitterly against Mr. Gladstone. After dinner I had a long conversation with John Morley. He was very doubting and diffident as to his fitness for the Irish Secretary, especially in face of his very strong Home Rule speeches. He told me he had sent a copy of them to Mr. Gl. underlining the strongest passages, and that Mr. Gl. had replied that he did not consider those speeches presented any obstacle to his accepting the office which had been offered to him. He also said that Mr. Gladstone complained most loudly of Chamberlain's tone and manner towards him.

"*Monday, Feb.* 15*th*.

"Dined with Alfred Rothschild and there met Randolph Churchill. After dinner had a long private talk with him. I condemned very strongly the speech he had made in Paddington on the preceding Saturday. He admitted his defence of the late Government's Irish policy was weak, but he added, 'It is the best that can be made. I cannot tell the truth to the public, but I will tell you,' and he then proceeded to say that Lord Salisbury had been most anxious to meet Parliament with a vigorous Irish policy, including the suppression of the National League and the passing of a Crimes Act. Hicks Beach and Randolph Churchill, however, objected to these measures being taken, on the ground that no repressive legislation could be carried through the House of Commons by a Tory Government. Salisbury thereupon very nearly resigned, but was prevailed upon to continue in office. But on the Friday after the meeting of Parliament, *i.e.* January 23, Randolph became reassured by the manner in which Albert Grey's and Arthur Elliot's observations were received by the House, and having obtained Hicks Beach's concurrence, he saw Lord Salisbury on the Sunday (the 25th) and told him that they

(H. B. and R. C.) would now concur in a repressive policy. A telegram was then sent to W. H. Smith—who had reached Dublin on the day before, in order that he, as the new Irish Secretary, might 'inquire into and report upon the state of Ireland'—informing him that a policy was determined upon and that 'it was all right.' This being so arranged, the announcement was made on Tuesday, 27th, of the intention of the Government to repress the National League and to introduce a Crimes Act. At the time this was done the Government had ascertained that the Irish Nationalist members had determined to support Mr. Jesse Collings' amendment to the Address, and that Mr. Gladstone had resolved to throw out the Government by means of the vote on that amendment. No Bill had been drafted and no determination had been come to by the Government as to what the provisions of the Crimes Act were to be. R. C. very frankly said they knew they were going to be beaten, and he thought it better to declare an anti-Nationalist policy which the country can and will understand.

"*Tuesday, Feb.* 16*th*, 1886.

"Dined with Randolph Churchill to meet Lord Salisbury, who had expressed a wish to meet me. I took the Duchess of Marlboro' in to dinner. She thanked me very prettily for my 'kindness' to Randolph, especially in restoring peace between him and the Prince of Wales in February 1885.

"After dinner I had a long conversation with Lord Salisbury on the subject of Ireland. His mind seemed full of 'a put-your-foot-down policy.' I asked him to remember that such policy must mean force, that the House of Commons could do nothing by legislation to carry such policy into effect, that 85 Irish members would have to be suspended before he carried one line of a Crimes Act, and that the English Radicals would certainly resent such suspension. Lord S. seemed to doubt this, and said, I thought somewhat meaninglessly, 'No doubt the blow will have to be struck, and if so, the sooner it is struck the better.' I asked what he meant by 'the blow,' and when it was to be struck. The reply was, 'Oh, both in the House and out of it.' 'That means civil war,' I said. 'I think not,' he replied, 'but if it does, I cannot help it. We must not desert the loyal people of Ulster.' I somewhat wickedly at once said that I had been very sorry for those Ulster members when they were contesting Parnell's supremacy during the passing of the Reform Bill, and especially so when, during the Session of 1885, Sir J. Gorst (Lord S.'s Solicitor-General) had called them reactionary Ulster members. 'Oh, yes,' he said somewhat sadly, 'no doubt much has been done we may all regret, but it is not too late yet to save the battle.' I then volunteered that R. Churchill's intended visit to Belfast on Monday next would be one of great importance and might lead to very serious results if he were not very careful and moderate in his language, as his audience would be composed mainly of Orangemen. 'Yes,' Lord Salisbury said, 'I am well aware of the risk, but Hicks Beach will follow him, and he will be discreet enough.' The result of the conversation was that I gathered Lord S.'s determination to oppose any description of Home Rule and to use the cry against it as a party cry. He also spoke bitterly of Mr. Gladstone, saying more than once, 'Well, I have every hope that when the old man goes we may have a readjustment of parties.'

"*Friday, February* 19*th*.

"Dined with General Bateson, a small party to meet the Duke of Cambridge. Randolph Churchill sat between me and the Duke. I led the conversation to the subject of Randolph's coming visit to Belfast and preached the benefit of moderation to him, whereupon the Duke interposed very good-humouredly but speaking very firmly: ‘Yes, sir. By God, sir, if you go talking any nonsense to those Orangemen we shall have them up in arms, and it will be all through you, sir, and if I have to bring my men out I don’t believe they will fight against them, even for the Queen’s authority; and, anyhow, it will be the worst civil war ever seen. So mind what you are about, I tell you, sir.’

“*Monday, March* 1*st*, 1886.

“On this evening I addressed my constituents at Bury. My vote against Jesse Collings’ amendment had annoyed some of the Radical electors, and on Thursday, January 28th, the members of a Liberal Club, ‘The Gladstone Club,’ had passed a resolution expressing regret at my political action. On receiving a copy of the resolution I immediately replied, saying I regretted they had not heard me before condemning me, and saying I would give an explanation of my conduct as soon as the condition of public affairs admitted of my making a statement of what had passed between me and the Prime Minister. I felt it necessary to wait until after Mr. Gladstone had had an opportunity of speaking in Parliament. As soon as that time had passed I fixed upon this very day to explain my position. I was very anxious to say nothing that should be displeasing to Mr. Gladstone, so I wrote out the sentences referring to my communication with him, and asked Arnold Morley (the Government Whip) to show the document to him. It was returned to me corrected in Mr. Gl.’s own handwriting.

“Morley also told me that Mr. Gladstone would like to see me before I made my speech, but I never had an opportunity of speaking to him before doing so. Mrs. Gladstone wrote asking me to dine with their family alone, to meet their daughter on her return from her honeymoon journey, but this invitation I was unable to accept.

"I also submitted that portion of my speech which referred to the position of the moderate Liberals in relation to Irish policy to Hartington, and with the exception of making two verbal criticisms his approval was complete.

"As far as I can judge, the speech was a very great success. The Press appeared to be unanimous in expressions of praise, and from friends and many hundreds of strangers I received letters full of admiration and commendation.

"*Thursday, March 4th.*

"Saw Hartington at Devonshire House. He told me that Arthur Balfour had brought him a message from Lord Salisbury saying that, before leaving England for some weeks' visit to the Riviera, Lord S. thought it well that he should see H. The house being more private in Arlington Street, H. called on Lord S. and had a long talk with him. Lord S. complained of my Bury speech and said it must be answered by him. He then endeavoured to arrange that there should be some definite common action agreed upon between the Tories and moderate Liberals, but H. declined to do more than to express the hope that they might act together in defeating any proposition for a separate Irish Parliament.

"*Monday, March 22nd.*

"During the last ten days the difficulties in Mr. Gladstone's way have become fully apparent. On Saturday the 10th the Cabinet met in order to learn the nature of the measure contemplated by the Prime Minister. I was told by one who was present that Chamberlain's manner was almost brutal, and that before Mr. Gl. could make any statement Chamberlain demanded a prefatory declaration against any scheme of independent legislature. This Mr. Gl. of course objected to, and said that his plans must be considered in succession as he submitted them for consideration. Throughout the rest of the Cabinet meeting Ch. remained almost in silence. An adjournment took place until Tuesday the 16th, but on the Sunday Chamberlain wrote a long letter (with, I believe, the concurrence of Trevelyan) informing Mr. Gl. that he dissented from his proposals and tendering his resignation. In consequence of this announcement no further Cabinet Council has been held, and up to to-day no further progress appears to have been made in passing any measures in relation to Ireland.

" This afternoon I had a conversation with Hartington in relation to Irish affairs. He said that Chamberlain had called upon him and urged him to undertake to form a Government in case of Mr. Gladstone's defeat or resignation. Chamberlain was quite willing, in fact anxious to join such an administration, and endeavoured to show Hartington that they did not differ materially in political opinion. Chamberlain also left with Hartington a memorandum showing the heads of an Irish policy, which he thought could well be supported. I read the memorandum twice over, and apparently it substantially embodied Mr. Gl.'s views except (1) that the landlords were to be bought out by payment in ' Irish consols '; (2) that two councils or parliaments were to be established, one at Dublin and one at Belfast (and ' two ' was queried in the document); (3) that the powers of such councils or parliaments were to be defined and restricted to affairs of a comparatively local character; (4) that an Irish representation in the Imperial Parliament was to continue, subject to a diminution in the numbers of Irish members so as to be in proportion to population.

" I placed before Hartington as strongly as I could my view that it would be fatal to his position and future usefulness if he were, on the failure of Mr. Gladstone, *at once* to form a Government. None of the members of the present Government (except Chamberlain and Trevelyan) could with propriety join him. They and the 240 or 250 Gladstonian Liberals would feel that they had been defeated by Hartington and would not join or follow him. He therefore would have to look to Tory colleagues and Tory supporters. If this were so, many of his immediate followers now would not follow him into a Tory coalition in which three-fourths of the strength would be Tory, and so the only result would be that he and a very small band of supporters would become Tories, and be entirely merged with that party. On the other hand, if he stood aloof on Mr. Gl.'s failure and let Lord Salisbury deal with the question, he giving a fairly generous support to Lord S., after a short time a dissolution would be necessary. Then the Home Rule question would be submitted to the country, and then by common acclamation he (H.) would be regarded as a Liberal leader in whom the majority of the people would have confidence. I obtained no definite opinion from him, but I gave him clearly to understand that I would join no coalition Government.

" I afterwards saw Harcourt, who had previously seen Hartington and had urged the views I have mentioned above upon him, Harcourt having no fixed views on the Irish question and being in fact more in agreement with Hartington than with Mr. Gl. on the subject.

" *Sunday, March 28th.*

" Randolph Churchill called upon me this morning and sat with me for nearly two hours. He was very anxious to learn if some plan of concerted action in opposition to the introduction of Mr. Gladstone's Irish Bill could not be arranged between the Tories and the Hartingtonian Liberals. I strongly deprecated any attempt to oppose to the extent of dividing against the introduction of the Bill. I told R. C. that there certainly were 20 Liberals who were opposed to Home Rule and would vote against the Bill on the second reading, but who would think it was unfair conduct towards Mr. Gladstone not to allow him to submit his propositions to Parliament. I thought also that the longer measures were discussed the more they would be condemned by the public, and that the division would for many reasons be much stronger against the Bill on the second than on the first reading. As usual, he fretfully complained because he could not obtain his own way, and concluded by saying, 'I see we must act quite independently of you Whigs, just as if you did not exist.' I told him he might do just as he liked, but I was sure the course he suggested would drive away many of our men from the 'No' Lobby. He then proceeded to discuss the course of events if Mr. Gladstone were defeated, and asked what we proposed to do in order to form a Government. I told Randolph C. very plainly that I would do all I could to prevent Hartington with his followers being merged with the Tory Party.

"*Monday, March 29th*, 1886.

"Chamberlain and Trevelyan for the first time left the Government bench and sat as ordinary members 'below the gangway.' Had a long talk with Hartington and Goschen as to number of the Liberals who will vote against Mr. Gladstone. There has been no canvass on the subject, but I was enabled to write down 53 names of those who certainly would vote against Home Rule. My impression is that the number of these Liberals will, on the division, be found to vary from 75 to 80, but much must depend upon the exact nature of Mr. Gladstone's proposals.

"Alfred Lyttelton told me this morning that Mr. Gl.

was much upset by the Cabinet meeting of Friday, when the secession of Chamberlain and Trevelyan was completed."

The speech alluded to under the date of March 1 in these memoranda was made at Bury on Monday, March 2. It was the first clear enunciation of the reasons why eighteen Liberals had voted with the Conservative Government and why he, with Lord Hartington and others, had refused to take office under Mr. Gladstone. Thus it received great attention, and was the active cause of the foundation of the Liberal Unionist party. In it James recalled the November election, and the visit of two Nationalist members to the town. "In consequence of their attack upon me," he said, "I had to speak very plainly upon Irish affairs, and I did so. In contrast with the somewhat irresolute opinions of my opponent, I expressed myself as hostile to the creation of a separate Parliament for Ireland. I also told and promised you that if Mr. Gladstone held different opinions, I should not be able to follow him. I told you that I would never support a policy which resulted in the creation of two Parliaments for the United Kingdom. And I told you, too, that if the leader whom I loved to follow should ask me to support that policy, I could not and would not be a follower of his. I admit that men may differ from me. It may have been right or wrong to give those pledges, but I did give them, and you accepted them. You voted for me, knowing those opinions; and some of you, because of them. If it were wrong for me so to have spoken, you should have condemned me at the time, but you did not, you approved of my opinions, and it was after I had expressed them, and to some extent in consequence of my having expressed them, I became the member for the borough. I went to Parliament bearing the pledges I have given in my mind, and with the full sense that they had to be fulfilled.

The extent of that obligation was soon put to a practical test."

He then explained the Jesse Collings' amendment, saying he voted against it because the amendment was moved and supported for the purpose of bringing the late Government to an end. "The vote I gave was recorded with the object that I might be free and unfettered if it should be that any request were made to me to be a member of the new Government."

He then mentioned the offer of the Lord Chancellorship, or of another "office of the gravest responsibility," but said that he had declined, that he had to ask the Prime Minister for assurances which would make it possible for him to fulfil his promises to his constituents, that while he had to speak with some reserve on the Prime Minister's policy, which was still undeveloped, he hoped it would be sufficient for him to say that he did not receive sufficient assurances which would prevent him running the risk of failing to fulfil his clear and distinct pledges. He felt that it was necessary to pursue this course of abstention. If he had joined the Government with provisional adhesion only, he might at any moment have had to secede. "My position in this respect would have been similar to that of a man, who, not wishing to be married, should be prevailed upon to take that course by the assurance that if he found married life did not suit him he should have a divorce whenever he asked for one—a state of things which must naturally be unsatisfactory to all concerned."

"To stand aside, to be idle whilst others labour, to part from the Prime Minister and from colleagues with whom I had been associated for five years, I admit pressed heavily on me, but how could I act otherwise? The pledges I had given were not mere idle phrases—they were founded on convictions and opinions. Every honest man ought to act in accordance with the promises he has made, unless grave reasons can be shown to the contrary. I felt, too, there was a duty, almost a special duty, cast upon me to do nothing to detract from the tone and character of political life in this country. I belong to a profession often attacked, often slandered. It has great prizes which must be gained by some member of it, and so it comes to pass that the accusation is often made that members of the Bar enter upon and fashion their political career in order to obtain some of the greatest of these prizes. Well, to that great profession I owe more than most men. I worked my own way into its ranks. For thirty years I have remained there, there my friendships have been found. If you deem it presumptuous for me to say that I have succeeded in my calling, still some would condemn me as ungrateful if I said I had failed. At any rate, for five years I had enjoyed the high privilege of occupying that office which rendered me the leader of the English Bar, and I felt and I feel that there was a duty, almost a special duty, cast upon me that I should so act that no man should be enabled to point to my conduct as a proof that the Bar of England was composed of men who were unfit to take their part in political life, and I hope I have done so."

He noted that it was suggested his fate should be a warning to others not to speak too positively on any subject, and dissented from the proposition. "Laid bare, it means that a man should not express positive opinions for fear he should have to act up to them. If I had spoken loosely and my words had been mere phrases used glibly for electioneering purposes only, I might have repented myself of them. But they were not so; they expressed my opinions, they were duly ruminated; and is it not a loose political creed to suggest that a man having strong opinions should not express them, for fear that he may want hereafter to conceal them in order that he might take office without any one knowing that he is a traitor to his principles and convictions? At any rate I will hold no such doctrine, and I say here deliberately to you, be I right or be I wrong, as I have done from first to last, so would I do again."

The speech then turned to the future, and the position and difficulties to be faced. "Our minds are in search of an assurance which we cannot yet find—that safety to the British Empire, and peace and security in Ireland, will be secured if a policy of separation should be carried out. May we not take upon ourselves the duty of endeavouring on the one hand to maintain intact and unimpaired the authority of the Queen over her empire, and on the other, to protect her subjects from the horrors of bloodshed and of civil war?" and closed with the request to serve not only with industry, but with power of judgment.

"If you desire to cramp and to cripple, if you claim my industry only and reject my judgment, then here to-night in all submission I say to you pass this your judgment on me and let me, your servant, depart in peace."

James indeed before and after this speech received a large number of letters from all manner of people showing how much his action had struck a chord of feeling and respect in his countrymen, and he wrote also notes indicating the stress in his own mind. Whatever critics may say of this time and the action of men, it may well be noticed that both supporters and opponents remained on terms of friendship with a man who admittedly had sacrificed much at a period when political feeling was very bitter.

Of these letters a few excerpts may be noticed. To his mother he wrote on February 1.

"My dear old Mother,

"I hope you will be pleased to hear that Mr. Gladstone not only offered me—but begged me to accept—the Lord Chancellorship. The office makes the holder the first subject in the realm. I believe I am the only man who ever refused the offer of the office. I did so because I should have broken solemn promises if I accepted it, and also because I am not quite sure I could discharge all the duties of the office to my satisfaction. Mr. Gladstone then begged me to become Home Secretary. That office also I refused. At least I intend to do so, but 'no refusal' were his last words. My constituents are very angry with me for not acting entirely with Mr. Gladstone, but I shall go to Bury and tell them everything, which I hope will set things right. At any rate I shall have erred—if I have erred—on the right side.

"You must regard this letter as 'secret' and the contents are not to be told to anyone.

"Yours ever,
"HENRY JAMES."

These are other letters.

"*Jan.* '86.

"MY DEAR LADY RANDOLPH,

"Of course I will come with the greatest pleasure on Sunday week. Thanks for your sympathy on account of my Tuesday night vote. I want somebody's, for I am having a little rough usage from candid friends. I know I intend to do right and I think and hope I did so.

"Yours most truly,
"HENRY JAMES."

"NEW COURT,
"TEMPLE,
"*Saturday, February* 13, 1886.

"MY DEAR MRS. GLADSTONE,

"I am exceedingly sorry that I have a dinner engagement on Tuesday from which I cannot escape, and so cannot have the pleasure of dining with you.

"You have always shewn me so much personal kindness that I cannot refrain from taking this opportunity of telling you what a severe struggle I had with my inclination when I came to the conclusion that I was compelled to decline Mr. Gladstone's far too generous offers to me. It is very difficult in action to separate political and personal considerations, and after many years during which I have received so many and constant proofs of Mr. Gladstone's kind feeling towards me, I feared that I should be regarded as most ungrateful if I did not comply with any request he made to me.

"To have worked still on by his side would have been to me the pleasantest of positions, but unhappily my sayings had been too distinct to permit my doing so.

"I am, dear Mrs. Gladstone,
"Yours most truly,
"HENRY JAMES."

"ONE ASH,
"ROCHDALE,
"*Feby.* 18*th*, 1886.

"DEAR SIR HENRY JAMES,

"You very kindly sent me some Birds. I thank you for your friendly remembrance of me.

"I am sorry that when I go to the House I shall not find you in your old place.

"It is said that you are to explain your late vote, but what will rather excite enquiry is why you are not connected with the restored Liberal Government? This will interest the Bury folks more than the particular vote.

"I am in a great puzzle as to Irish policy so I keep myself quiet, being now out of the running. I suspect the members of the new Government are not clear as to their future and are in it 'on faith'—when they come to put ideas into clauses of a Bill difficulties will arise which may be insurmountable.

"If the Irishmen could be left out of our Parliament it would be a large compensation for any concession we could make to them.

"In attempting any solution, the difficulty is, we are dealing with a *rebel party*. If they were friendly and loyal we might easily arrange something, but how can we give or offer anything which a rebel party can accept? But this question is too great to be dealt with in a letter on so small a sheet as this is, so I will say no more till we meet.

"Yours very sincerely,
"JOHN BRIGHT."

Members of his own profession were especially proud of the proof that a man could be honest and a lawyer. Baron Huddleston and Justices Mellor, A. L. Smith and Wills, with many others, wrote in no political sense, to express their feeling, amongst which there was one from Mr. Phelps, the American Minister, and another from Sir Henry Keating, once a leader of his old circuit, and afterwards a judge. They ran:—

"LEGATION OF THE UNITED STATES,
"LONDON,
"*March 2nd*, 1886.

"DEAR SIR,

"My acquaintance with you is perhaps too slight to justify me in addressing you. But your speech reported in this morning's *Times* has given me so much satisfaction that I cannot refrain from expressing it.

"Of its bearing upon political questions, it would not become me to speak. But its manly political independence, so rare in any country now-a-days, and its loyalty to the character and honour of the profession in which I have passed my life, and which is so dear to me, command my highest admiration. And I venture to say, reflect upon you a more gratifying distinction than any office whatever could afford. The example of such a course as yours, directed by such sentiments as you have expressed, must be most salutary. I cannot think it will be lost, either upon the profession or upon the country.

"Pray excuse the liberty of this note,
"And believe me, with great respect,
"Very sincerely yours,
"E. T. PHELPS."

"HÔTEL DU PARADIS,
"CANNES,
"*March* 4, 1886.

"MY DEAR HENRY JAMES,

"I am now in my 82nd year, far from the busy cares of the political world, and estimating them at their real value. Believe me, my dear James, that when you come to be in the same position, you will look back at the noble example you have given to public men with more satisfaction than any number of coronets could afford, or earthly splendour could bestow—may you long continue to act upon the same principles.

"Excuse my trespassing on your time, but as a fellow member of the old Oxford Circuit, I naturally feel proud of what you have done.

"Believe me, my dear Henry James,
"Sincerely yours,
"H. S. KEATING."

Lastly there was a letter from the friend with whom more and more James was to be allied very closely, intimating clearly the limits he would make on any revival of the idea of Liberal unity. Lord Hartington consistently stuck to one position, that he did not mean what Mr. Gladstone meant; that whatever *words* were used the intentions of Mr. Gladstone and himself were absolutely at variance.

"Newmarket,
"*May* 12*th*, '86.

"My dear James,

"I have only a few minutes to answer your letter which I have just received. You need not shut the door against a liberal extension of self-government; but I should not open it too wide until we know more than we do now what is possible and what is not. I don't see that it can do much good, and Mr. G. will take advantage of it if he is able. If you let them have some hope of self-government I would at all events insist on the necessity of some real securities for law and order both as to property, liberty and life. It seems to me that it is as to this that the Bill is a disgraceful surrender.

"I shall be back to-morrow early, and shall be in the House to enjoy as I hope your misery.

"Yours,
"Hartington."

CHAPTER XIII

THE LIBERAL UNIONISTS IN 1886 AND 1887

Lord Hartington's letter was written the day before James spoke in the House of Commons on the second reading of the Government of Ireland Bill.

The speech contained much close reasoning on the terms of the Bill, and finally James put the question whether this Bill would be any settlement of the Irish question. "We have to ask whether, even if the hon. member for Cork (Mr. Parnell) is willing to accept anything, the Irish nation is equally willing to accept anything? I hope, for its own sake, it is not. We have heard it said that there should be an amnesty for the past. But there is none of us who has not read, not only the statements of every prominent member of the Nationalist party in this House, but the statements of eloquent men who are dead and gone, and who made one claim for Ireland, which was that she should be a nation." Mr. Parnell interrupted with "She is a nation." "Will the hon. member for Cork forgive me," the speaker answered, "as he says Ireland is a nation, if I ask him whether this is the nation which Irishmen have meant, when under this Bill her legislature will be brought lower than that of any Province of any Colony of the Crown, when Ireland will have no Flag, no Army, no Navy, when she cannot deal with her foreign affairs, or with her trade or commerce, or even protect her coast? I cannot believe that the Irish nation will accept this as a final settlement. I believe that the echoes of the voices of the dead would mingle with the voices of the living in protesting against this Bill being treated as the final result of the aspirations of Irishmen to form one of the nations of the earth. It may meet the opportunism of the day for certain purposes, but can never satisfy the wishes of a generous people." The alteration he proposed was that as the Bill was impracticable and would not attain the object sought, it would be wise, in the words of Clarendon, to "lay it aside that men might unbiassedly apply their thoughts to find out some other expedient."

In the early morning of June 8, the Home Rule Bill was defeated by a majority of thirty, and a General Election followed. At Bury Mr. Grant Lawson withdrew any candidature, "certain Liberals failed to find a champion in Sir Robert Peel," the local Conservative leaders decided, if necessary, to support Sir Henry James, and after several speeches on the Bill, James was returned unopposed.

Opening the principal Liberal Club, called the Phillips Club, as a Liberal Unionist Club, James had made it the centre of his organization, and found that he could reckon upon one thousand Liberal Unionist voters. But with only this support within the Liberal party he naturally had to appeal to his former opponents. "I must say that it was generously and completely accorded to me. The Conservatives were aware that they were in a minority in the Borough, and now that I had declared myself as a Unionist they were willing to fight on my behalf against a Liberal Candidate. And so I found myself Member for Bury, but for the first time in my life dependent on Tory votes for support."

On July 9 James received a note from Sir E. W. Hamilton saying that though he could not pretend to have a mission, he would be glad to come to see him. James put a memorandum on it thus: "The writer of this was Mr. G.'s most intimate secretary. I replied agreeing to see him the same evening, which I did. He told me Mr. G. wished to see me in order to discuss the means of reuniting the Liberal party. As I was advising Lord Hartington not to join the Tory Ministry I replied that it would be better for me not to see Mr. G. until the Ministry was formed, lest it should be said that he had influenced me. E. W. H. said that whilst Mr. G. would not ask to see Lord H. he would gladly meet him if H. desired it."

Mr. Chamberlain evidently agreed with James as to junction with the Conservatives. "The political situation," he wrote on July 14, "is very difficult. Let us lie low. Everything would be changed if Mr. G. was out of the way; but as long as he is rampaging about there is no hope for the Liberal party."

Absolute disruption or loss of belief that reunion could occur was not yet apparent. On August 2, Sir William Harcourt wrote:—

> "DEAR J.,
>
> "I am very glad we agree as to the object to be attained.
>
> "I doubt, however, whether the best road to it would be through a *formal correspondence* which might be embarrassing. I should have thought it would have been better left to the fortuitous control of good fortune and good feeling.
>
> "I am myself all in favour of a 'blend' and against 'hard and fast lines' of partition. I don't see why we should flow on like that bitter river:
>
> 'Doris amara suam non intermisceat undam.' [1]
>
> "We are all very sensible of the services you have rendered in averting final disruption and I

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[1] Verg. *Eclogues*, x. l. 5. The quotation would appear not to be too apt. The Eclogue was an invocation to Arethusa, who was not a *bitter river*, but a damsel fleeing from Alpheus, the river god, and changing to a stream, which flowed under the bitter *sea* (Doris, wife of Nereus, the sea god) and arose as a spring in Ortygia, an islet in the bay of Syracuse.

"If as thou glidest under the Sicilian billows, thou wouldest not have the salt goddess of Ocean mingle her waters with thine, begin this lay."—CONINGTON.

know you will do what you can to smooth the path to re-union. I don't believe that H. can desire to be permanently led by R. C. or that the destinies of the country should be in such hands.

"Yours,

"W. V. H."

But with August lighter relaxation came into play, with the following letter to Sir John Millais on August 25.

"My dear old J. E.,

"I have just come back from Bolton Abbey, where I had a most delightful week's grouse driving. Swarms of birds.

"Now to business.

"That Grand Old Man the Duke is most anxious you should *at once* paint Hartington. The 'at once' means that the Duke is a very old man and wants to see a portrait of H. (of whom he is most proud) on the Chatsworth walls before he dies.

"Now just say (1) when shall you be in London again; (2) when can you begin to give H. sittings, and I will then fix him.

"Ever,

"H. J."

In the result Lord Hartington gave a first sitting in November.

James in the autumn turned his attention to the scheme of an Imperial Institute, in which he actively supported the Prince of Wales, at a later date becoming Chairman of the Executive Council. Two letters indicate his early interest.

"Abergeldie Castle,
"Ballater,
"Aberdeenshire.
"11 *October*, 1886.

"My dear Sir Henry,

"I have shown your letter to the Prince of Wales, who desires me to express his best thanks to you for being so good as to give him your ideas on the subject of the proposed Imperial Institution.

> "H.R.H. entirely agrees with everything that you have written, with perhaps the exception that he thinks the number which you mention for the Executive Council may possibly be too great a one. That, however, is a mere matter of detail.
>
> "Yours sincerely,
>
> "FRANCIS KNOLLYS."

and on 24th October,

> "Many thanks for your letter and suggestions. The latter were embodied in the Prince of Wales' statement to-day.
>
> "He will see you at dinner this evening, and will tell you about the meeting. I think it went off very satisfactorily altogether, but there was a general opinion expressed that nothing could really be done until the scheme was formulated."

At the close of the year there came an offer which James had inclination to accept, but which Lord Hartington very emphatically desired him to refuse. The letters ran:—

"HATFIELD HOUSE,
"HATFIELD,
"HERTS.
"*December* 11*th*, 1886.

> "DEAR SIR HENRY,
>
> "As you may have seen by the newspapers, Lord Blackburn has resigned his post of Lord of Appeal. Your name naturally suggests itself as standing first, both in legal and Parliamentary reputation, and your appointment, if you were disposed to accept the post, would give great confidence and add to the reputation of a Court which it is desirable to strengthen to the greatest possible extent. Will you allow me to submit your name to the Queen?
>
> "Believe me,
> "Yours very truly,
> "SALISBURY.

"The Rt. Hon.
"SIR HENRY JAMES, Q.C., M.P."

James asked for time to consult Lord Hartington on personal and political considerations, but an answer came at once by wire from Monte Carlo, " Personally decided ' No.' Opinion politically also ' No.' Will write." Before the letter arrived James had refused, but in the letter Lord Hartington expanded his reasons, saying that except it was of the most real importance to him he had " personally not the smallest doubt on the subject." Your leaving the House of Commons would leave me absolutely alone on our bench. Without you to smooth matters I do not know how the team, containing Goschen, if he gets in, and Chamberlain, is to be driven. I don't know whether we shall long be able to maintain the very difficult line we have taken, but I am sure that our prospects will be materially damaged if you leave the House."

" I am very sorry for your decision," wrote Lord Salisbury, " but of course do not presume to question it."

Of the years following 1886 James left the following note :—

" During the years 1886–90 party feeling in social circles was most bitter. Since 1831 when the Reform Bill was introduced, nothing like it had existed.

" The Unionists held much aloof from all Gladstonians, but were most angry with Harcourt and Spencer. During the years I have mentioned no Unionist could have asked either H. or S. to dine without receiving the assent of their other guests to meet them. Ferdinand Rothschild in 1888 arranged a dinner for the purpose of entertaining Harcourt. He had considerable difficulty in securing a sufficient number of friends to meet him and Lady H. Those who came were principally old personal friends of Harcourt, like Lady Airlie and myself. Spencer was regarded as an especial traitor. During August 1885 he had been entertained by a great gathering of moderate

Liberals at a dinner in celebration of his firm rule in Ireland. Within six months, without any warning, he appeared as a Home Ruler. Having been Lord-Lieutenant, his accession to the Home Rule ranks had, of course, great effect. Many said that Lord Spencer was influenced only by his desire to take office. I do not concur in this view. Spencer is a very high-minded and honourable man—though not a strong one. He assured me personally that he had communicated to Mr. G. as early as November 1885 his conversion to Home Rule, and I do not doubt his statement for a moment.

"But the Unionists' anger with Harcourt and Spencer was quite eclipsed by their condemnation of G. O. Trevelyan, when he became a Home Ruler and rejoined Mr. Gladstone in the summer of 1887. He had been Irish Secretary for several years between 1880–5. He had learnt from his experience in office the unfitness of the Nationalist leaders to govern Ireland. During 1886 he had condemned them and Home Rule in most scathing language. He had glorified his own patriotism in leaving Mr. Gladstone's Government. In the spring of 1887 he suddenly changed his tone, saying (twice) in public speeches that "the game of law and order was up in Ireland," and apparently for this strange reason he joined the ranks of the men who had defeated 'law and order.' In August 1887 he was returned as a Gladstonian by the Bridgeton Division of Glasgow. It must also be recollected that at this time Liberal Unionists were the especial object of attack by the Gladstonian mobs, and many of our weak-kneed members shrank from the apparent unpopularity we enjoyed. W. S. Caine told me, towards the end of 1889, that he could not much longer stand being howled at and hooted at every Temperance meeting he attended, and should probably go back to Gladstonian Liberalism, as he cared more for Temperance than Home Rule. In the summer of 1890 he resigned his seat for Barrow-in-Furness on account of his having become a Home Ruler. The Gladstonians, however, opposed his re-election, and he was defeated."

Yet in the beginning of 1887 there were conversations on possible reunion, which did not bring results. Mr. Goschen had joined the Ministry as Chancellor of the Exchequer when Lord R. Churchill retired, and although Sir W. Harcourt and Mr. Chamberlain met, and others helped at "Round Table" Conferences no new combinations were effected. Lord Hartington looked on from a distance, writing to James on January 11, "I will let you know when I shall be in town. I am afraid that the Government reconstruction does not seem to be getting on comfortably. But on the other hand prospects of reconciliation in the Liberal camp don't seem hopeful." James himself was busy over the Imperial Institute, this year of 1887 involving the celebration of the Queen's first Jubilee. At the instance of the Prince of Wales he had become Chairman of an organizing Committee, and was engaged in arranging meetings at the Mansion House and St. James's Palace.

By the end of January Ireland was again to the fore with a proposed Criminal Procedure Bill. Lord Hartington wrote, as indeed he did two or three times a week on subjects small and large, the two friends being now very closely allied, to say "I have had a talk with Matthews (Mr. Henry Matthews, Home Secretary) this afternoon, about their Criminal Procedure Bill. He is all for including England, but I have adhered to my opinion, at least so far as summary jurisdiction is concerned. He is going to send you a draft of the Bill, so that I may talk it over with you when I see you. I will very likely come and see you on Sunday if you are likely to be still laid up. I am very sorry for your gout, but I don't know that I should much mind a slight attack myself."

The draft arrived with a letter from Mr. Matthews stating, "I want it to apply to England as well as Ireland; chiefly on the ground that, so long as we uphold the Union, we ought to submit ourselves to any restrictions we impose on the Irish, and no more legislate for Ireland alone than we should for Cardiganshire or Sheffield alone. It is said, however, that it will not be possible to carry the Bill if it applies to England. You will observe that the Bill creates no new offence. It deals only with 'indictable conspiracies,' and intimidation is furtherance of them. But it makes certain classes of indictable conspiracies punishable summarily 'and not otherwise'—by a R.M. in Ireland; and in England by a stipendiary (where there is one) or by two Justices, where there is no stipendiary. . . . I don't think I need say anything about the special Jury, or venue, or preliminary inquiry clauses. They are all toned down as compared with former clauses of the kind. . . . I am informed that the Bill does not differ from existing Scotch law, there being power in Scotland to try conspiracies summarily, although in practice they are tried by Juries: and the other clauses also resembling Scotch law."

Although application of new criminal clauses to the general law and not only to Ireland had obsessed Mr. Gladstone, James had reported against it then, and once again strongly opposed the suggestion in a considered memorandum sent to Lord Salisbury urging that "there is not one provision in it which is required for the due administration of justice in England and Scotland. The proposal may be sound so far as the application is needed, but does that justify its application to a healthy condition? The illness of one member of a family does not justify the administration of medicine to all."

The "unhealthy state" of Ireland was due to the "Plan of Campaign" against payment of rent, and at a meeting on February 5 held at Manchester James emphasized the contention that alliance with those men who supported it was not practicable unless safeguards could be devised for the protection of minorities against their action. Lord Hartington, Mr. Bright and Lord Derby could not come, but the latter wrote: "My conviction is that we have in the long run only two alternatives to choose between—either to maintain the Union or to let Ireland go. Even the latter course, though almost suicidal, would be a less evil than the acceptance of a compromise which would leave us responsible for actions which we could not control, and end in the necessity of using coercion far more severe than any that we now imagine as possible." James took this remark as his text. He asked for an authoritative disclaimer of any countenance of the Plan of Campaign by the Liberal leaders. "There are and will be in the Government of Ireland the same men, acting under the same conditions as they have been acting during the last few months. I believe there will be a sequence of the men, a sequence, too, in the institutions that will govern Ireland, and that as these men have ruled at Glenbeigh, where the Plan was put into practice, so they will also come to rule in Ulster when the time comes for them to deal with the vested interests of Ulster, successful in its commerce, and successful in its industries. Is it not right that at least Liberal-Unionists should deal with this question as a practical question? Have we not the right to say, 'Tell us, as men of business, what are the safeguards you can impose under your new system, that shall protect the minority from the power of the majority, that shall protect men of one class, or one creed, or one race, against those who have treated them as their natural enemies'? We look to the minority that requires protection not only where that minority shall be united as in the Protestant portion of Ulster, but we must take heed of that scattered minority that exists throughout the whole of the south and west of Ireland. For those men we are acting or endeavouring to act. . . . Whoever those men may be, whatever they may be, we are answerable for them and for their position. We planted them there, we encouraged them in their action. If we gave them privileges we also imposed duties upon them, and we cannot now desert men from whom we have exacted the performance of those duties, unless we desert the very sense of honour that influences, I believe, every Englishman whoever he may be. To my mind we might as well throw from us the hand of a man who asks us to save him from drowning, as now discard those men and abandon them to their fate. . . ."

James was not taking a view against reunion. "For my own part," he said, "I should be glad to encourage any number of conferences round tables of any size or shape." But he was asking for assurances. "Let those who are not endeavouring in conferences to find a *modus vivendi* for the party, frankly tell men, who care but little for party or for party interest, what are the safeguards they will promise to impose, and see that they can impose, against the action of the majority and on behalf of men who cannot defend themselves."

It would not appear that this distrust of the Irish leaders was due to suspicion or belief founded upon the Pigott letters, but James knew of them at the time. Unexpectedly they were published in the *Times* in April 1887. At a later date he wrote this "memorandum of the Pigott forged letters."

"It was in the summer of 1886 I first heard of these letters. Lord Hartington informed me that he had seen some important letters affecting Parnell, and asked me to advise him as to the course he should take respecting them. He wanted advice on two points. First, could the letters be used in Parliament (against which course his instincts went); and secondly, whether their contents were of a character which made it obligatory on him to disclose them to the authorities. In consequence of this communication Mr. Houston called on me with the letters. I questioned him on several points, and his answers to me were so unsatisfactory that I felt there was nothing behind the mere proof of handwriting to support their authenticity, and as I was unable to form any opinion as to the handwriting, I felt I had no proof of the authenticity of these letters. I therefore pressed Lord Hartington to have nothing to do with them. Upon further application being made to him, I suggested Mr. Finlay (at a later date Lord Chancellor) should see the letters. We did so together, and Mr. Finlay formed the same opinion I had formed and expressed. Ultimately Lord Hartington declined to take any action upon them. He did so finally in a letter written during September 1886, from Mar Lodge, to Houston.

"Some months after this Mr. MacDonald (Manager of the *Times*) and Mr. Soames, their solicitor, called upon me with the letters. They informed me that they had obtained evidence as to the authenticity of them. Still I doubted, and knowing how disastrous would be the publication of false letters, I begged them to be most careful, and refused to advise their publication, but in every way discouraged it.

"Again some months elapsed, and then in April 1887 I saw the first letter inserted in the *Times*."

The publication of the letters was followed by a series of articles under the heading "Parnellism and Crime." Although Mr. Parnell took no action, debate arose in the House upon statements alleged to have been made falsely by Mr. John Dillon, member for East Mayo, upon which the Solicitor-General (Sir John Gorst) moved on May 11, "That this House declines to treat the publication of the article headed 'Parnellism and Crime' in the *Times* of the 2nd of May as a breach of the privileges of this House." Mr. Gladstone proposed as an amendment, "That this House is of opinion that an inquiry should be made by a Select Committee into the charge of wilful falsehood in a speech delivered in this House brought in an article published in the *Times* newspaper of the 2nd of May against John D. Dillon, Esq., member for East Mayo." James rose in strong protest against assertions which had been made in the debate, particularly against the proposal of a Committee of the House. "I do believe that if we were now to travel out of the ordinary course and interfere with the course that can be taken by every person aggrieved by libel and endeavour to erect a tribunal from within our own ranks to try this issue between subject and subject, we should be entering upon a career and setting a precedent which would, I believe, produce most evil consequences." He defended in cogent terms the judges and the value and impartiality of the jury system, but the interest of his speech is chiefly due to a very unfortunate interruption from Mr. Gladstone, which gave James an opportunity of bringing to public notice an incident now well known to all lawyers and emphasized time and again by leading lawyers of both Great Britain and America, and notably when Mr. Choate, the American Ambassador, was entertained by the Bar of England in Middle Temple Hall. "Juries and judges have been criticized," said James, "and speaking of counsel at the Bar, my right hon. friend (Mr. Gladstone) said that they would exercise their power for introducing invidious and irrevelant matter. Now, sir, I am sorry to hear that statement." Mr. Gladstone sprang to his feet, crying out, "Allow me to speak." Sir Henry James sat down, and Mr. Gladstone continued: "The right hon. gentleman has conveyed an idea of my intention, which was also conveyed by the Attorney-General (Sir R. Webster) last night, totally contrary to what I meant. I had in my mind certainly the most splendid piece of forensic eloquence, perhaps of all eloquence, known to the history of the century—a wonderful and well-known passage of Lord Brougham, wherein he described the duty of counsel engaged in defending his client in a criminal prosecution, and said, 'He has no right to look to the right or to the left and to any consequence or any consideration except the defence of his client.' It was in regard to the duty of a counsel to his client and to the course he is entitled to take in that defence that I said what I did say with regard to the introduction of invidious and irrelevant matter."

James gave an immediate and crushing reply, interrupted by continued and loud cheers. "I can assure my right hon. friend," he said, "that I am most anxious not to misrepresent him, but I recollect that speech of Lord Brougham. It was delivered in the Middle Temple Hall at a dinner given to M. Berryer, and my right hon. friend will recollect that a distinguished member of the English Bar sprang to his feet and protested against that saying, declaring that that was not the duty of counsel, but that it was their duty to fight with the weapons of a warrior and not with the dagger of an assassin. I am certain my right hon. friend will recollect, even after this interval of twenty years, how the cheers from the assembled members of the Bar rang out in that old Hall of the Middle Temple. I have only to say that I hope these words of Sir Alexander Cockburn are now the guiding words of every member of the Bar."

The bitter political feeling of the day had been illustrated by a stormy meeting at Bristol, where those who spoke or tried to speak, including James, had been treated with violence or entirely prevented from speaking. On this event Mr. Chamberlain wrote to James and the Birmingham meeting followed.

"*May* 19*th*, '87.

"MY DEAR JAMES,

"I read with disgust the account of your treatment at Bristol. The Gladstonians are dis-

> gracing themselves everywhere by their brutal intolerance.
>
> "I want you to deliver the speech intended for Bristol at the meeting in the Town Hall of Birmingham—7th National Radical Union—to be held on June 1, myself in the Chair. You will be the chief speaker and will have a splendid audience. Come and stay with us at Highbury.
>
> "If you will accept I will arrange details with you to-morrow. *I hope* you will come.
>
> "Yours
> "J. Chamberlain."

Mr. Gladstone criticized the audience at this meeting, on which Mr. Chamberlain wrote: "There were not 50 Tories in the Town Hall the other night. But it is useless to contradict the lies of political opponents. Mr. G.'s speeches are interesting developments of the general policy of disintegration and anarchy to which he has committed himself. His physical vigour is something preternatural, and I begin to think that he will outlive us all and perhaps be the first President of the Welsh Republic. I am very sorry that you are seedy. We can't spare you yet."

Other speeches followed at the Devonshire Club in June, and at Hereford in August, exclaiming against the vagueness of Mr. Gladstone's statements on the subject of retention of Irish members at Westminster, and ridiculing the phrasing that "the whole civilized world" was against the Liberal-Unionist policy and that Home Rule was "a sacred cause." "They have gone through their political lives," James said at Hereford, "and until eighteen months ago they never thought that Home Rule was a cause in which they ought to have the least faith, for every one of them, including Mr. Gladstone, denounced it, differed from it, and declared that they would never support it, and then to-day they have awakened up to find that this cause has become a sacred cause over which they have to fight. You never could find, I believe, a worse measure than that submitted to us. It contained the maximum amount of friction, and the minimum amount of joint action: and I agree in the view of Sir Robert Peel, who, in 1833, said, 'A modified view of Home Rule is the very worst practical measure that you can carry into effect. If there can be total separation you know where you are. You have international obligations to control you, and one country will not be answerable for the faults of another.' But take this modified view that was presented to us. We have been told on high authority that the text of the Bill is dead; then it is time to see a new edition. To bear the responsibility of supporting or opposing a policy of Home Rule it is but right that we in this country should know what that proposition is."

The breach between the two sections widened. On both sides the question of Home Rule was the key of policy. "If we did not support the present Government," said he at Bury in October, "we should be allowing a Home Rule policy to succeed, and so it has come to pass that we who are Liberals have given support to a Tory Government. We formed no alliance until after Mr. Gladstone was acting in open alliance with the followers of Mr. Parnell. We had to choose between these two alliances, and we preferred co-operation with men with whom we agreed on the question rather than with those from whom we differed."

The year closed with a sprained ankle, anxiety due to the illness of his niece (Helena, daughter of his brother Gwynne, and now wife of Dr. J. B. Baillie, Vice-Chancellor of Leeds University), and the usual shooting party at Westacre, in which he could take little part. The enforced leisure led to gifts of game with covering letters to many old friends, some of which serve to illustrate how goodwill still underlay political strife.

The first correspondence is with Sir William Harcourt, whose speeches had been continuously criticized by the Liberal-Unionists.

"Westacre,
"Swaffham,
"Norfolk,
"*Dec.* 29, 1887.

"My dear H.,

"I have received your Christmas letter with the greatest amount of pleasure. That our political differences are wide, very wide just now, goes without saying. But the cost of such differences is but slight if it does not disturb a friendship which I value behind none I have. The value of old associations, not only with you but with yours, is to me very great.

"As we recognise these political differences I hope you will not mind my freely and fully expressing them. I am going to Scotland the week after next, and as the Liberal-Unionists have been freely attacked and ridiculed I must, acting defensively, meet those attacks, and possibly touch, I hope with no poisoned weapon, those who have most prominently attacked us.

"May be some day it will amuse us to think how widely friends could differ on political views and action.

"I am here for my Royalty week's shooting. We had a grand day to-day, the four Princesses driving over for luncheon.

"My ankle is almost well, but I have been in great trouble in Wilton Place as my little niece has been most seriously ill with scarlet fever, and for two days I was terribly frightened.

"With all good wishes to My Lady and the boys

"Yours ever

"H. J."

"7, Grafton Street, W.
"*January* 1, 1888.

"Dear J.,

"The best wishes of the New Year are sent you by the *United Family.* In private life we are not *Separatists* and I hope never shall be.

"We are in London packing up Grafton Street. Henceforth like Parnell I shall have no address, and go under an assumed name in Hampshire to escape recognition.

"Rosebery says we are the real 'Country Party' as we not one of us now has a house in town. However, so long as we have the *country* with us that does not much signify.

"I believe that Grafton Street passes into the hands of a fashionable milliner so you may still frequent it in order to buy bonnets for your female friends.

"We rescued, however, the 'Round Table,' which is to go to Malwood, where I hope you will one day sit at it to settle the 'details' of Home Rule.

"Some 'earnest Liberals' have applied to take some of the furniture as mementoes. I think of cutting it up into 'chips' and selling them at Hawarden prices.

"By all means fire away into us in Scotland. "Caedimus inque vicem praebemus crura sagittis, Vivitur hoc pacto."[1] I am all for giving and taking blows in fair fight and I ask for no quarter. . . .

"Good-bye, my dear old fellow, and good luck for '88. Let us both be happy in the belief that we are each right and both about to win.

"Yours ever,
"W. V. Harcourt."

Mr. John Morley was a fellow-sufferer with illness and also wrote :—

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[1] Persius, *Satires*, iv. l. 42. "Life consists in kicking others' shins and letting them kick ours."

"My dear James,

"I am particularly glad to have your kind letter, and much obliged to you for writing it. We are not quite barbarians after all, though politics sometimes look like it.

"I have had a tiresome bout, but it might have been worse, they say. This sharp weather makes care very necessary, and recovery won't be hurried. Luckily I can read, and I try not to come within a hundred years of our own very detestable times.

"Harcourt came to see me yesterday, and I told him I had heard from you. 'Yes,' he said, 'James is the kindest fellow in the world.'

"Wishing you all possible good things for the New Year, and as many more years as you like, believe me,

"Yours very sincerely,
"John Morley."

CHAPTER XIV

THE PARNELL COMMISSION

1888, 1889, 1890

On January 8, 1888, at Glasgow, with the Earl of Fife in the Chair, James took ascendancy as his text, and claimed for the Liberal party that the struggle against ascendancy which prevented equal rights existing under equal laws to every subject of the realm had ever prompted its action. The Home Rule Bill "outraged every principle of the Liberal party; it was a Bill that would have given ascendancy to one party, to one creed, to one interest only. Looking back, I say that if some men had not stood in the gap, that Bill with all its errors, with all the miseries springing from the provisions within it, would have been at this moment in operation; that Bill which no man now defends; that Bill so faulty that no man, even the most bitter Gladstonian, would take it in his hand and stand on the hustings as a candidate and say he adheres to it."

Other speeches followed, all about Ireland. Nothing is more striking at this epoch than the fact that every public speech was devoted to Ireland, and that no other subject was discussed or reported. Ireland absorbed the political vitality of a whole generation, and even in the most innocuous speeches, such as replies for the House of Commons at a City dinner, or when James was admitted to the freedom of the City of London through the Coopers' Company, and received a casket and banquet, directly or indirectly the subject was bound to crop up.

Lord Hartington did not suffer the position gladly.

He was very frequently away from London, at his own or his friends' houses, or at race meetings; and his absence must have been as trying to James as Lord Derby's absence was to Disraeli in a previous generation. Neither can it have been too exhilarating to receive from a leader a succession of notes in the following strain—"I want to see you to-morrow, about that infernal dinner. I must get out of it." "I can't be in town before 5, and if I am to assist in the demonstration" (over a victorious candidate at a by-election) "it can't be till Tuesday. But I think that demonstrations are rather a mistake and make us look as the Gladstonians do now the next time we have a reverse. I should be very glad to dine with you, if you will take the chances of my being rather late. Don't wait for me." "I have got another speech to make on Monday and should much like to see you on Saturday. Perhaps you will come in some time in the afternoon. I suppose it is a good thing to choke the public with this mass of matter which no one will read." "If some of the Gladstonians don't speak soon, I shall be left without any topics at all." "I think the Government would be glad if you would say something in the debate on Trafalgar Square, which I believe is on Monday. I am not sure if I shall be back before the evening, but anyhow I know nothing about it."

James did speak on Trafalgar Square, which was then exciting attention owing to the general prohibition of meetings by the Commissioner of Police, Sir Charles Warren, on account of the disorderly crowds which had pretended to have come for peaceful meetings. In distinction to the technical arguments adduced by the Attorney-General and Sir Charles Russell he put the subject on a broad and clear basis. "I myself," he said, "witnessed the proceedings. There were some honest enthusiasts who endeavoured to explain to a limited audience their views on political and social topics, but there was a large and organized crowd which gathered round these few speakers and these few listeners. It was not the orators and their audiences but their camp followers who were the dangerous persons. They conducted themselves in such a way as to render it unsafe for any woman or child to pass through Trafalgar Square. Indeed it was dangerous for the strongest man to go there. The crowd was looking forward to an opportunity for breaking through the police and performing acts of destruction, of robbery, and of revolution. Of course people have a right to pass and repass through the square, and if they were prevented from so doing in consequence of meetings being held there daily, it became the imperative duty of the Government to interfere on behalf of all peaceful subjects, because this property was public property. . . . If you have to deal with an unlawful meeting, you must stop it in advance. If, on behalf of the community, you are entitled to prevent an unlawful meeting, you must do it by anticipation. The condition of things at that time was that if for one day permission had been given to hold a meeting it would have been attended by all the camp followers, who came there merely for the purpose of disturbance. If that general notice had not been given the whole of the mischief which the Government were striving to prevent would have been produced."

At the end of July, after the action of O'Donnell and the *Times*, there followed the initial stages of the Parnell Commission.

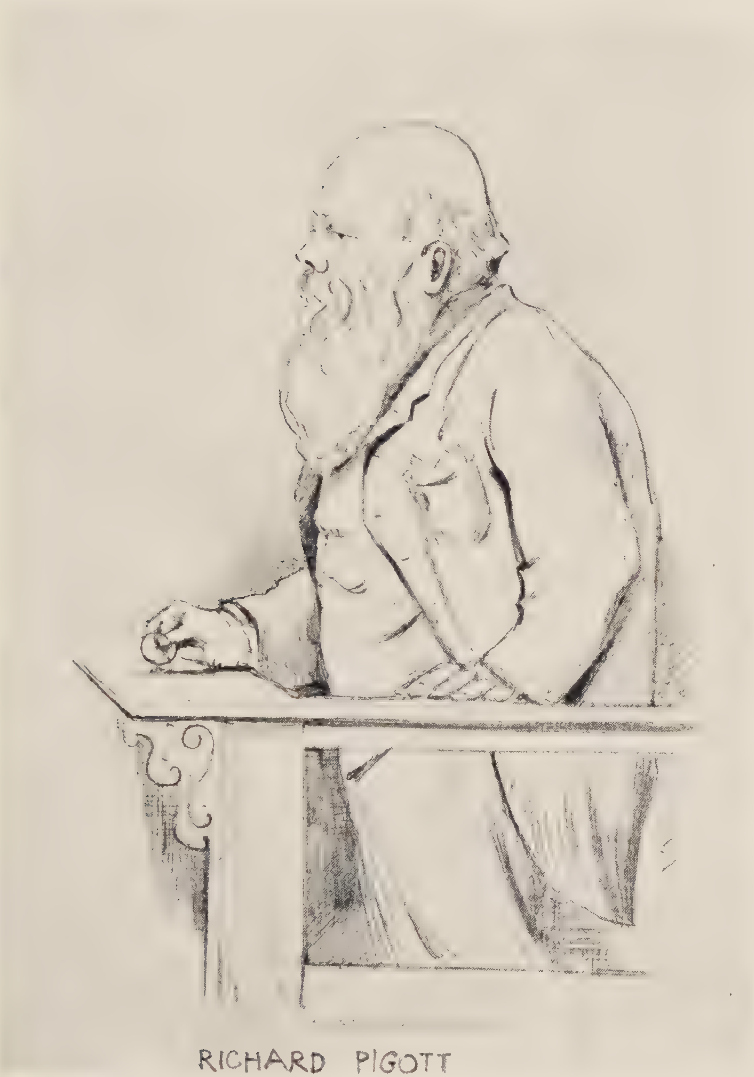
Parliament passed the Special Commission Act, 1888, under which Sir James Hannen, Mr. Justice Day, and Mr. Justice A. L. Smith were appointed Commissioners to inquire into the allegations by the *Times* in the articles entitled "Parnellism and Crime." James' note on the Pigott letters has been mentioned already. He was not at all keen on being a counsel in the case, but finally agreed. "I found your note of Saturday on my return to town to-day," wrote the Attorney-General, Sir R. Webster, on October 15. "I am quite satisfied that it will inflict a most serious blow upon us, if you do not appear with me. Besides, honestly I want *your* help. The strain is almost more than I can bear. With the information and evidence we have got and more which we shall, I trust, get this week we shall, I believe, prove the whole case"—hopes which were not realized.

It was in fact a whole year, with 128 days of sitting, which James devoted to this Commission, being very constant in attendance, and practically giving up all other legal work. His treatment of it through its long course was that the indictment of the *Times* was a history of the causes which had perturbed Ireland, and that in that history the alleged letters were but an incident, seized upon by the defendants as the only libel, but in fact not alien to other acts done or words said by some of them. Those other words and acts constituted the real basis of the accusations, and were as bad as the *Times* said that they were.

Incidents of the Commission have been written in various books, notably in a recent book by Sir Alfred Robbins entitled, "Parnell: the Last Five Years."

The culminating point came when Pigott was cross-examined, and Sir Charles Russell started by requesting him to write certain words on a half sheet of paper. Among them was the word "hesitancy." When the sheet was given back James quietly asked for it, and as soon as he saw that this word had been spelt "hesitency," as in one of the letters and in other writings of Pigott, he remarked, "I thought so."

When the Commission met after Easter, I had received a brief from the *Times* and attended a consultation every morning at 9.15. The witnesses of the day were arranged and the Counsel who was to cross-examine. James was particularly interested in the evidence of old Matt.


RICHARD PIGOTT

Pigott in the Witness Box.
From a drawing by the late Sir John Paget Mellor, K.C.B., by the courtesy of the British Museum.

Harris, and gently led him on to the statement: "Our peasantry in Ireland were in a very dormant, low and enslaved condition, and if we had not worked with great energy and appealed to every feeling and every sentiment that would rouse them up, we could never have brought the Land League beyond the point to which Mr. Butt had brought it in his old drag-along movement."

Sir Alfred Robbins narrates that Parnell stated in cross-examination that he had endeavoured to mislead the House of Commons, and at a later date that he had heard Sir Henry James say twice to Webster: "Press that; press that." My account is somewhat different, and it may be remarked that Parnell was some distance away in the witness-box. I was immediately behind Sir Richard Webster and James. As soon as the remark had been made James pulled Webster by his silk gown and said: "Sit down, sit down," but Webster was so astonished at the answer that, not noticing the call to an action which would have been very dramatic, he continued to press Parnell whether he really intended to have misled the House, and Parnell, getting annoyed, only floundered more deeply.

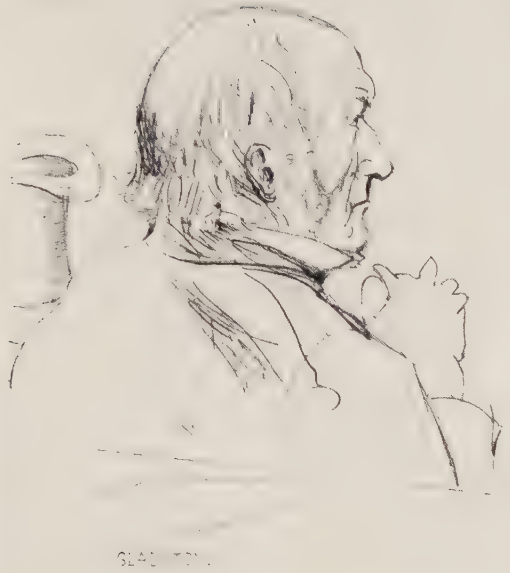
The quickness with which James could change from one subject to another was shown by the fact that during the Whitsun vacation he immersed himself thoroughly in the inquiry before the Stewards of the Jockey Club into the action of Charles Wood, the jockey, in several races, and the support given to him by Sir George Chetwynd, which Lord Durham had severely criticized at the Gimcrack Club dinner. The interest James had taken in horse racing proved very valuable in enabling him to follow the intricacies of this case.

When the summer vacation arrived, James went to Gastein, requesting me to arrange the material for his speech. After a month's hard work I stayed with him at Westacre. We worked every morning and for an hour and a half before dinner, while he went through the points. Every afternoon exercise was taken by shooting partridges. The quiet life suited him and he became very keen about the incidents of the case, particularly in the evidence of the so-called spy, Le Caron, to which at first he had not paid much attention. He realized, as he stated later, that it was a remarkable fact that not one human being had come forward to contradict Le Caron in any particular, and before the Commission he defended warmly the man and his evidence as absolutely truthful. In October the *Times* Counsel assembled at Westacre, and were amazed to find the grasp James had acquired of all the points of the case. On the 23rd October, with unwonted fervour, Sir Richard Webster wrote:—

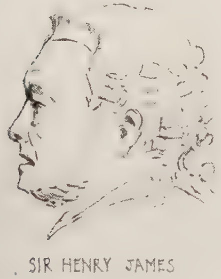
> "I cannot help saying how intensely I admire the way in which you have mastered the case for reply. I know it will be a splendid performance, and I am indeed thankful that it has fallen to you, of all men the most competent, to make the speech. I have one regret and that is that I have been so little use to you, but that has not been for want of will. With every good wish and repeated thanks for your many acts of kindness to me,
>
> "I am always most truly yours,
>
> "RICHARD E. WEBSTER."

The speech, as has been stated, was founded upon the point that other words and acts besides the letters constituted the real basis of the accusations. In support of this thesis, with a speech that lasted for twelve days, his arguments were adduced. He claimed that these accusations were proved, and the judges found that they were proved. The closing words of his speech indicate the form of his argument.

"My Lords, long as I have occupied your attention and poorly maybe as the thread of my tale has been woven, yet I hope I have placed before you now, in some



Mr. Gladstone at the Parnell Commission.



The Rt. Hon. Sir Henry James, Q.C., M.P.,
at the Parnell Commission.

From drawings by Sir J. P. Mellor, by the courtesy of the British Museum.

sort of sequence, a history of ten years, a sad history to belong to any people. It has been a history full of crime, springing from hasty assumption of power by men who have inaptly used it. My Lords, I say it is a period of shame, and sad shame; and it is a period that surely Irishmen—patriotic Irishmen—must now be, and ever will be, bitterly regretting. Ireland has had dark and bitter days in her past. There are times when her brave men have fought in the open field, have fallen, and have failed. Her statesmen, her eloquent statesmen, have been silent in their sadness, as in the days when, we are told,

> 'Grattan and Charlemont wept with her sorrow;'

but I know not that ever till now Irishmen have had cause to be ashamed of the history of their country. It is said that happy is the country that has no history. So it may be, and this I know, if men doubt the application of that trite statement to Ireland, that happy would it have been for a people, happy would it have been for those who acted and for those who suffered, if the events of the last ten years could be blotted out. No human hand can do so. The annihilation of events is impossible, and all that remains to do is that faithful record shall be made of the acts of that time.

"Such will be your duty. It may be—it doubtless will be—that all who have taken part in this inquiry, from you, my Lords, to the humblest officer of this Court, will receive some condemnation, some attack, and some obloquy. But let that pass. The result will repay. For, the truth being told, it must be that a people, stirred by an awakened conscience, will be aroused from the dreams of a long night, and when awake they will despise their dreams. They will seek new modes of action with true men to guide them, and then it will be—God grant it may be—that blessings will be poured upon a happy and contented people."

Among the various letters of congratulation at the close of the hearing, Mr. John Walter, the chief proprietor of the *Times*, wrote :—

"I cannot write all that I should like; but perhaps I may be allowed to say that the clearness and dexterity with which you unravelled the web of Irish American conspiracy and treason, reminded me of former passages in your life, on which, either as my professional advocate, or as a member of the same Parliamentary Committee, you succeeded in bringing to light and defeating the machinations and pretensions of crafty and unscrupulous men. I trust that a similar triumph is reserved for you, and for those you represent, on the present occasion; and that the result of the Commission will justify the vast expenditure of time, labour and money which it has entailed."

During the hearing of the Commission political speeches on Ireland were naturally curtailed. James spoke on February 18th at Northampton, and on May 17th at Bury, when Lord Hartington came as the chief speaker. In this speech James said : "O'Connell never thought of asking for a distinct executive power. It was left to our time, to a Minister who for more than forty years had been a constant supporter of the Union; it was left to a party who had never hinted at their desire to see that Union repealed, . . . to bring forth a measure that did not take six weeks for consideration and framing, and for the first time to surpass the utmost dreams of the Irish Nationalists and to suggest that the common bond of one Executive should pass away, and that there should be two Executives, two Governments of the Crown, existing in the narrow limits of Great Britain and Ireland. That is the reason why that measure is a measure of separation. . . . This is the great, paramount and supreme question that occasioned this difference of opinion and causes that difference to be maintained."

The interest of the speech was increased by references to John Bright, who had lately died after a long illness. James was greatly attached to him, and it is clear that the feeling was reciprocated. He had accompanied Bright in fishing in Scotland, particularly at Tulchan.

"We passed," James said, "the last days of health left to him together. He told me of his political life from its earliest days—from the first days when he stood on the gravestone in Rochdale churchyard fighting against supremacy—as he thought—that supremacy that enabled those who belonged to the Church of England to impose Church rates upon the minority. He told me with pride—that pride that never left him—of the great work that he and Richard Cobden performed in freeing the food of the people from unnecessary burdens of taxation. He told me of his later life and of how he had worked for the interests of the Irish peasant; how he had endeavoured to free the occupier of the land from unnecessary burdens; then, as he drew to a conclusion, as he felt the sunset of his life was coming round him, he talked with a voice still strong, with the power that never failed him, and he was able to say that he had held no faith so strongly as the faith that the Union must be maintained, and that the exertions he ought to make to that end ought to exceed the most active energy of his earliest youth."

James further quoted the notes made by Mr. Bright for a speech at Greenwich on August 5, 1887, which he had handed to James with the words: "This is probably the last speech I shall ever make." . . . They ended with the words: "I cannot bow down to a name, however great, when coupled with a policy and with measures which are now almost universally condemned, but which the author of them has not the frankness and the courage to abandon." James kept these notes amongst the few papers he left.

Besides the Hartington meeting, there had to be also a meeting with the Bury Liberal-Unionist Association to deal with certain points raised against him in the locality. One point had received credit from various persons, and even after his death was sometimes rumoured.

" There was a particular charge," James said, " formulated against him that seemed to go beyond the bounds of fair criticism, and even to charge deliberate falsehood and political fraud of a grave character. It was said that he had never been a real Unionist; that he had never been a Unionist from conviction; that he had only been a Unionist because it suited his own peculiar prospects, and it was alleged that he would have become a Home Ruler if he had thought that he could have been returned for Bury as a Home Ruler. He had to say, and this was all the denial he was about to make, that from first to last no thought ever entered into his mind other than to retain the position of a Unionist. He had never wavered or never expressed to any human being, and he included everybody, one word of doubt or of hope that he should ever depart from that position. The inferences were without any foundation whatever."

Certainly the borough of Bury derived advantage from being represented by a member who during the Session was able to get through the Bury Corporation Act, 1889, which relieved the town from onerous obligations concerning waterworks under an Act of 1885, and from very heavy annual payments under that Act.

At the close of the Commission James found it easy to make a few speeches in various places, as at Newcastle-under-Lyme, Nelson and Bury, where he could bring before new audiences Irish details with which his labours on the Commission had made him thoroughly conversant. For the rest, he was content to revise the book form of his

Commission speech and to shoot in his own covers and at Grimthorpe, Sandringham and elsewhere. Of one of these parties he notes :—

" *January*, 1890.

" The Duke of Cambridge at Sandringham told me that he lived in Hanover until he was nine years old, that he then came to this country, and paid one or two visits to Windsor Castle during the lifetime of George the 4th. He recollected but little of George the 4th, but was much impressed by the ponies. Lady Conyngham used to drive four cream-coloured ponies. Of George the 4th he saw but little, more of Lady Conyngham.

" With William the 4th he stayed a great deal, especially at Brighton. He said : ' William the 4th was a most determined fellow. Of course he used absurdly strong language, but he was a good king for all that. He really was a great Tory. Fancy, that old man, when he intended to have a row with his Ministers, and he often did, would start off from Brighton early in the morning, posting up to London—there were no railways then—send for Melbourne, have a great row, and post back with Sir Herbert Taylor to Brighton in time for a late dinner, at which he would tell me what he had said and done in London with great satisfaction.' "

In the spring of 1890 the speech had been prepared in book form and was so published under the title of " The Work of the Irish Leagues." James presented some copies to friends. Lord Salisbury wrote that he would " study it devoutly."

An invitation came to dine at Windsor, the first personal interest that the Queen had shown to the man who, nearly twenty years before, had had to speak against the form in which Her Majesty assumed the title of Empress. At the time Lord Hartington wrote from Rome : " Windsor is good and the tide seems to have ceased to flow."

James himself, although undoubtedly pleased at the change of attitude, was not very satisfied with his own success. "I pleased her a little, I think, by saying that a great change in the application of Art to the subjects of domestic use was to be traced to the Exhibition of 1861, and instanced specially our glass manufactures. She took this subject up and mentioned several other directions in which Art had effected great change, but as a whole the interview was cold and uninteresting, and I felt that it did not add much to the strength of the forgiveness which I hoped had been obtained."

There seemed even a possibility, owing to Lord Hartington's coming absence, that he might be required to do much Parliamentary work.

"*Private.*

"PARIS,
"*Feb.* 6, '90.

"MY DEAR JAMES,

"From a note of yours to Austen I gather that there have been suggestions (which I have not seen as I have had no papers for some time) that you should assume the Lieutenancy of the L.U. Party in Hartington's absence. If such an appointment is necessary and our friends select you I want to say *with absolute frankness*, that I shall heartily approve their choice and will serve under you with the greatest pleasure and confidence.

"Yours very truly,
"J. CHAMBERLAIN."

Further, at the end of February the United Textile Factory Workers asked him to perform a congenial but difficult task on which he expended an immense amount of time and labour. "By the unanimous desire of the United Textile Factory Workers," wrote Mr. Birtwistle, their Secretary, "I have to ask you to take charge of the proposed Bill to amend the Factory and Workshop

Act of 1878. They are fully cognisant of the large tax upon your most valuable time the drafting of such a Bill must have been, and the still greater tax they wish to impose upon you in asking you to take charge of it in the House; but their excuse is the great confidence they have in your discretion and abilities."

When the Report of the Parnell Commission was published, there was necessarily a Debate in the House of Commons. On March 7 James said that if other advocates had abstained from speaking he would have preferred to take no part in the Debate, but that he thought something might be added to the information already placed before the House on the subject of the Report. In order to deal with the Report there were only two courses open, either to accept the Report, as the Government proposed, and make a record of it on the journals of the House, or accept the Report and deal with each and every one of the findings. The middle course suggested by Mr. Gladstone was to accept the Report and pass judgment on certain of the findings only. "That course would be an expression of gratification, which, ungrudgingly I admit, hon. members have a right to feel with regard to certain findings. But it would then pass over all the other findings unheeded, so that we should be treating these findings either as unimportant or erroneous. . . . It is impossible for us to deal with the findings as if they were light matter. . . . Even those who sit below the gangway will admit that this, for instance—'We find that the speeches made in which land grabbers and other offenders against the League were denounced as traitors and as bad as informers, the urging young men to procure arms and the dissemination of the newspapers had the effect of causing an excitable peasantry to carry out the laws of the Land League even by assassination'—cannot be regarded as a light finding. How are we to treat this finding which I will now read ? ‘ We find that the allegations that while some of the respondents, and in particular Mr. Davitt, did express *bona fide* disapproval of crime and outrage, the respondents did not denounce the system of intimidation which led to crime and outrage, but persisted in it with knowledge of its effect.’ If we accept the amendment of my right hon. friend, what is this House about to say to these two findings ? Are we to say that we regret that these two findings should be placed on the record ? I cannot think that any member of this House will venture to say that they are immaterial. Are we to go behind them and say that they are wrongly found ? But when we delegate certain powers to these judges, as we do to election commissioners, we are bound to accept their findings and not to go behind them. Having admitted that these judges have done their duty to the best of their ability, and have impartially discharged their task, can we go behind their findings ? As to the contention that there is palliation and condonation for those who are affected by this Report, I only wish that I knew where the grounds for this palliation and condonation are to be found.”

James then dismissed the minor arguments in favour of palliation with the criticism that in this case “ the general commanding in chief, knowing of the outrages that were being committed did nothing to check them,” and also the argument that distress and bad harvests had been the cause of the Land League with proof that the design was made before the bad harvests, and that in the worst years of crime the harvests were above the average. It was not the people that were rising : it was the people that were being roused, as Mr. Matthew Harris had testified. “ When Mr. Gladstone stated that that which had occurred during the years from 1879 to 1882 was ‘ the outcome of the contest between liberty and tyranny,’ the argument of the right hon. gentleman is that this crime is the result of the tyranny under which the Irish people suffered while he was at the head of the Government," a view against which he protested.

There followed a defence of the truthfulness of Le Caron, and arguments on the malign influence of the *Irish World*, Patrick Ford's newspaper, and on the moneys obtained through that paper and other papers, "which preached the doctrine of assassination and destruction." A long speech continued with points on the methods of payment in support of crime as disclosed by the very small portion of the Land League documents which had been produced before the Commission, and with strong criticism on the absence of denunciation from those who held power in Ireland and set the Queen's authority at defiance. The speech ended with renewed emphasis on Mr. Gladstone's suggestion that the actions were the actions of liberty as against oppression, and denounced the contention as incorrect and dangerous. "If this is the act of those who were oppressed against tyrants, if this be liberty fighting against oppression, do you not think that the theory used in this House now might be relied on by those who commit similar acts to those that were committed in 1880–2? . . . If you are using such weapons as these, do not tell us that your agitation is a constitutional agitation. . . . If the agitation is only constitutional, you have no right to tell us at the same time that the crime committed within their hands was only the natural outcome of a struggle between liberty and oppression. . . ."

James made no speeches during the summer. The labours of the last two years began to tell, and he felt that rest would improve his health for the necessary efforts of coming years. Although only sixty-two years of age, the recurrent fits of gout, to which he had for years been subject, and the strong remedies sometimes taken to enable him to fulfil important engagements told upon his strength. In May he decided he must rest, and through one of his greatest friends, Lady Burton, went with his niece for some weeks to Glen Quoich.

Lady Burton had at once responded to his request. The loan of Glen Quoich gave a further proof of long friendship with the Bass family since the time when James met Michael Bass, alone and sad, in a committee room of the House of Commons. James asked if he was ill. "No," he said, "it is this Committee on imprisonment for debt of which we are both members. If I could cross-examine like you, Mr. James, if you had the evidence I have, you would I think, take a different view, but I cannot do it." "May I see your evidence?" asked James, and papers were given. James studied them closely. After study he changed his attitude entirely. He examined witnesses, to the no small amazement of the Committee, from a different angle, from the attitude of Charles Dickens, whose works he knew so well and whom he admired as the great corrector of abuses of the law. It was a subject he followed through later days, and it led to a change in the law. He converted Lord Halsbury to the same view, based on their common admiration of Charles Dickens. Though those who have sat in judgment in County Courts and those who can delve into this difficult question know that the evil of abuse is not yet exorcised, Michael Bass, Henry James, and Henry Giffard quietly effected great reforms from a chance meeting over a fireplace.

Michael Bass and he became friends. The friendship continued to Arthur Bass, the first Lord Burton, his wife, her sisters, and Nellie, the present Baroness Burton. At Chesterfield House, Rangemore and Glen Quoich, where the Burton family lived, James at any time was a welcome guest, and indeed almost a member of the family. Like every man, he liked a woman to whom he could trustfully confide and find no breach of trust, and always in Lady Burton he found the aid and sense upon which he could rely in perfect friendship.

The niece was the same niece, Helena, referred to above, and now Mrs. J. B. Baillie, about whose illness James had been so anxious in the winter of 1887. Youngest daughter of his elder brother Gwynne, whose advice he always respected, she had come as a girl on a visit to her uncle. "Extraordinary man, Sir Henry James," said Mellier of Bond Street. "He called one morning at 9 o'clock, told me to send a man to 28, Wilton Place and at once furnish a drawing-room in red Louis Quinze style, and a dining-room in old oak and blue for a lady, and send him the bill. Then he dashed out to his hansom cab—a quick gentleman and understands business." With this preparation his niece stayed with him, practically as an adopted child, till her marriage, and settled a household and his houses in more orthodox manner. With a lady as hostess, and a most capable hostess, his unbounded hospitality could be and was extended; and the two, becoming devoted to each other, in spite of difference in age, shared together every interest and confidence. "The best friend to me," he said to her at the very end, "that any man ever had. God bless you."

CHAPTER XV

THE FALL OF PARNELL AND THE LIBERAL UNIONIST POSITION

In the autumn of 1890 came the case of O'Shea *v.* Parnell, and Mr. Parnell's fall commenced.

"*Nov.* 20.

"Last night I met Lockwood, Q.C., at dinner, and we had a long talk on the subject of the Parnell Divorce case. Some days before the trial he had asked my advice on certain matters, and he now spoke to me with great freedom. . . .

"On the Saturday afternoon, after the Court rose, Parnell called on Lockwood. He was very wild, and attacked Lockwood, reproaching him with not having made an agreement with the Solicitor-General as to the children, saying, 'You could have done so, but you have betrayed us.' Lockwood jumped up and said no one should speak so to him. 'I see what you are going to do,' said Parnell. 'You are bigger and stronger than I am, and you are thinking of throwing me out of the window.' 'You are quite right; I was thinking of doing so,' was the reply. Parnell immediately quieted down, and taking some cigars out of his pocket, asked if he might smoke, and offered Lockwood one of them. Lockwood observed that they did not look very good, and Parnell said, 'No, I bought them coming along in the Strand, and gave 4*d.* apiece for them—for I have none of my own, not being allowed to smoke, which I think was the reason of my being so irritable with you just now.'

"Lockwood regarded him as so wild and peculiar in his manner as to show signs of madness.

"*Dec.* 13.

"Last night John Morley, Lord Herschell and Lord and Lady Tweeddale dined here. After dinner we spoke freely and without any reserve upon the Parnell crisis.

"John Morley said that, having attended the meeting of Liberal Delegates at Sheffield, he returned to London on the night of Friday, November 28th. Finding that it was impossible for the Liberal party to face the General Election if they were in alliance with Mr. Parnell, he determined to have an interview with him to beg him to retire. The disclosures revealed by the evidence had deeply affected the Delegates, especially the Nonconformists, at Sheffield.

"On the Friday night J. Morley wrote to H. Campbell (who was Parnell's secretary and through whom he always communicated with Parnell), asking him to call. On Saturday evening H. Campbell called and said that Parnell was at Brighton, and that he would go there next day and arrange an interview. Campbell informed Morley that on Wednesday, two days after the decree, Parnell was very defiant and said he cared nothing for the cant of public opinion in England, but on the Friday, at a second interview, he seemed somewhat disposed to give way and retire. Morley heard nothing more from Campbell until late on Monday evening, when he received a telegram saying, 'Cannot get at my friend.' Morley thought it probable that Parnell intentionally avoided an interview. On the Tuesday Morley took no steps to obtain an interview with Parnell, and did not reach the House of Commons until after 3 o'clock. On arriving, he met Parnell, who shook him most effusively by the hand, saying, 'It is all right. I am elected unanimously by the Party as their Leader.' Morley then, having Mr. Gladstone's letter, appealed to Parnell to consider the position, especially its effect on the Liberal party, and therefore on the prospects of Home Rule. Parnell cut him short, saying he would not give way and should certainly remain leader. . . .

"Nobody could be more despondent over the prospects of the Liberal party than Morley was. He thought Home Rule indefinitely postponed, and with Mr. Gladstone and Parnell away, or even with the latter discredited, no settlement of a Home Rule scheme could be expected.

"On Thursday last Mr. Gladstone said to Morley, 'I feel I have three or four years of real good work in me yet!' Mr. Gladstone is eighty-one years of age. . . ."

It became plain that for the time being an immediate measure of Home Rule would not be in any event practicable. James himself thought that the defeat of any scheme was ensured for many years, and that the call for him to remain in the field was no longer distinct, particularly as he did not yet feel strong for the continued strain of political life. So when Sir Barnes Peacock died there was some talk of his succession to the vacant law lordship, but ultimately it was given to Sir James Hannen.

At the close of the year one letter of appreciation by a former "devil," who had just been appointed to be a judge, indicates the feeling of many who served under James.

"1, Paper Buildings,
"16 *December*, '90.

"My dear Sir Henry James,

"You need not say 'almost' affectionate loyalty. There is no limit or qualification in my case or I should think in the case of any one who has ever been admitted to your friendship.

"It is idle for me to enlarge on what I owe to you, but I shall never forget it.

"Apart from personal relations, there is the debt of gratitude which every member of the profession owes to the leader who has done more than anyone in my time to maintain and even raise the ideal of the Bar.

"Most truly yours,
"R. S. Wright."

At this time, too, having left Westacre in the beginning of the year, he leased Mr. H. Bingham Mildmay's seat at Shoreham Place in Kent, where with improved health he was able for some years to resume active shooting, the sport he most loved.

1891

In the spring of 1891 James visited Ireland and spoke at Belfast and Londonderry. In the latter speech on April 3rd his utterance was almost prophetic—" If the union were upset," he declared, " the people of Ulster ought, at all events, to be allowed to act for themselves, and to fashion their own course. It was bad enough to desert loyal and true allies, but it was worse—it was cowardly—to first weaken them by disestablishing their Church and giving a preponderancy of political power to their opponents, and then to desert them. Worst of all was it to drive such allies at the point of the bayonet into the camp of their enemies—such conduct could only be termed ' infamous.' "

Then at the close of the year a change in the position of the Liberal-Unionist party was caused by the death of the Duke of Devonshire on December 21st, and the consequent removal of Lord Hartington from the House of Commons.

" During the years 1886–1895," wrote James, " the Liberal-Unionist party played a great part in political affairs.

" There were in fact two sections of the party. The majority were Whigs or moderate Liberals, who always regarded Lord Hartington as their Leader; the minority were Radicals, who, for instance, were in favour of the disestablishment of the Church, and they followed Mr. Chamberlain. Of the whole party, however, Lord Hartington, both in the House of Commons and generally, was the Leader, and to him Mr. Chamberlain gave a most loyal support. No differences of opinion were ever made apparent.

" In December 1891, when Lord Hartington left the House of Commons, some of the Whig section mooted the idea that I should become the House of Commons leader of the party. Upon this suggestion appearing in the Press I at once wrote to Chamberlain repudiating it and saying I would with pleasure serve under him as loyally as he had served under Hartington. A meeting of the House of Commons Liberal-Unionist members was called early in February 1892 at Devonshire House, and I then proposed Chamberlain as our Parliamentary Leader, Hartington continuing as our general Chief. During the Sessions of 1892, '3, '4 and '5 Chamberlain was most aggressive, never ceasing in his attacks upon the Governments of Mr. Gladstone and Lord Rosebery. The ability he displayed was unquestionable, but his tone of implacable hostility so annoyed and irritated the Gladstonian rank-and-file that all possibility of making converts within the House was lost.

" Outside Parliament our organization was very sufficient. From 1886 to the General Election of 1892 Lord Wolmer (son of Lord Selborne) had chief charge of the party management. From 1892 to the Election of 1895 Mr. Powell Williams (M.P.) occupied the position of manager. Both very ably discharged their duties.

" The funds placed at their disposal were ample. We had within our small party many very rich men who contributed to our funds very generously. Amongst these were the Dukes of Bedford, Devonshire, Fife and Westminster, Lords Rothschild, Revelstoke and Burton, Mr. Walter Morrison, Mr. Pennington, Sir Horace Farquhar and many others.

" Our organizations extended all over the United Kingdom. In many places our numerical strength was too small to render it expedient that a local association should be formed, but even into these places canvassers and literature were poured without stint whenever they were required. Elsewhere, where our strength was greater, local associations were formed, and as for the most part the number joining such associations were thoughtful and well-known politicians, the influence they exercised was great in the constituencies. This influence was exercised as jealously on behalf of Conservative as of Liberal-Unionist candidates.

"After the General Election of 1900 Mr. Powell Williams retired from his position in the War Office, and it was arranged that he should take the principal charge of the Liberal-Unionist Central Office. A Committee was formed, consisting of Mr. Williams, Mr. H. T. Anstruther and myself, for the purpose of controlling the organization of the party. We met every Wednesday for the transaction of business.

"The accession to leadership of Mr. Chamberlain was accepted by him, and afterwards endorsed by his party."

"HIGHBURY,
"MOOR GREEN,
"BIRMINGHAM,
"*December* 23, 1891.

"MY DEAR JAMES,

"Many thanks for your kind note. Hartington's removal from the House of Commons is a heavy blow, for he has been an ideal Leader for such a party as ours.

"Personally, I shrink from accepting further responsibility and wish that some way could be found to avoid it. But if this is not possible I am ready to do whatever the party think best.

"In view, however, of the special malignity with which the Gladstonians pursue me I think it absolutely necessary to my acceptance of the position of Leader that the Liberal-Unionist party in the House of Commons should express a unanimous wish for my service, and without this I should not feel justified in assuming that character.

"I imagine that it will not be convenient to call any meeting until the assembling of Parliament, and if it is desirable to do anything as to Leadership before then it must be done by requisition.

"With all good wishes,
"I am,
"Yours very truly,
"J. CHAMBERLAIN."

With the spring of 1892 James accepted the kindly proposal of the Prince of Wales to become his Attorney-General, conveyed in these terms.

"COMPTON PLACE,
"EASTBOURNE,
"*February* 13*th*, 1892.

"MY DEAR JAMES,

"In consequence of our friend, C. Hall, having been appointed Recorder of London, he is, to my great regret, obliged to resign his position as my Attorney-General, and Member of the Duchy of Cornwall Council. Having had the advantage of your personal friendship for many years and knowing the high position you hold in your profession, I am anxious to ask you whether you would be willing to accept the appointment of my Attorney-General. Your great assistance in all Legal matters would be of the greatest possible advantage to me, and your seat on the Board of the Duchy Council would be a pillar of strength to us! Knowing how fully your time is occupied, it is with some hesitation that I ask you to accept this post, but if you will do so you would be conferring a great favour on

"Yours very sincerely,
"ALBERT EDWARD."

And now, as the passing years since 1886 brought the dissolution of Parliament within sight, James actively worked to retain his seat at Bury against the Gladstonian electors and the Irish. The hostility of the Irish clubs was so great that for some time no public meeting could be held without grave risk of an open fight; but by slow degrees feeling grew less and with some confidence James worked at careful organization.

"I threw all my energy and experience into the arrangements for the coming contest. I felt that my political, almost my personal, character came up for judgment before the electors of Bury. I secured the services as agent of a local solicitor, Mr. Butcher, who possessed as much power of organization as I have ever met with. He divided the Borough into a considerable number of districts and sub-districts, and then secured the services of nearly 500 young men as volunteers to canvass the 8,000 electors. As soon as the Dissolution was announced in July 1892, he summoned me to Bury and introduced me to these willing promoters of my cause. I thanked them and cheered them as much as I could, and then books were delivered out to them all, so that each man had to canvass some sixteen electors. The next night I held an open public meeting of my supporters. I took the gloves off and told them I asked for no quarter and I certainly did not intend to give any. For six years they had been witnesses of the brutality with which the local Press had treated me. I would submit the question of who's right or wrong to one tribunal only. I challenged the anonymous writers to come and stand on any platform they chose and there repeat the charges they had for six years been uttering. If they did not, they must not object to my repeating, as I intended to repeat, that they were anonymous slanderers, the two chief attributes of whose characters were falsehood and cowardice. I must have touched the hornet's nest, for twice every week a stream of coarse and vulgar abuse was poured out against me, which irritated the moderate men of both parties and gave me a welcome text to preach from.

The Liberal Candidate was a local physician, Dr. Park, not versed in political affairs or in powers of expression. During the fourteen days next before the election I held two meetings every night, and depended entirely on my own advocacy. The result was that after every one of these meetings we received additional promises of support. The night before the election I took a final look at my general canvassing returns and I said to those present, 'the poll will amount to some 7,400 votes, and I will tell you the number I shall poll.' I then fixed in writing the number of my votes as 4,070 and gave the paper signed by myself to Mr. Alderman Charles Brierley. At length the fateful day arrived and I found my organization was working like clock-work. Carriages decked with blue and men with strong Unionist faith were to be seen in every corner of the constituency, and as I went amongst them, cheering them and thanking them, everyone had words of the fullest confidence. As the evening arrived and passed on I had some misgivings. We had polled most of our men during the morning and afternoon. Our colour—blue—was seen everywhere. Scarcely a red rosette was discernible. But after the closing of the mills and the workshops in the evening the Radical workmen showed in great force, and I had to meet hundreds and hundreds of men wearing red rosettes. But I felt sure we were too far ahead to be caught, for my returns from the checkers outside the polling booths showed that I had polled upwards of four thousand of my promises. When eight o'clock arrived I refused to attend the counting of the ballot papers, as I knew from experience to witness the process is very wearing to the nervous system, so I retired to a large dining-room in the Derby Hotel which overlooks the Market Square in Bury. My niece and I dined alone, but shortly afterwards friends began to arrive. One of them was Mr. G. R. Askwith, who had greatly assisted me in my contest. He was sure of victory and had designed a terrible emblem of triumph. It consisted of some chemical preparations which when lighted would produce our Unionist colours, red white and blue. So he had designed a long narrow plank of wood upon which were placed three open jars containing these different colours, and it was intended that as soon as the result of the poll was known this piece of machinery was to be lighted up and exhibited over the heads of the people in the Square. There was also some mysterious transparency which was to exhibit the record of the poll. Well, I sat anxiously welcoming people I didn't know, and listening anxiously to Mr. Askwith's exultant prophecy of his intending pyrotechnic display. Ten o'clock struck and the tension became trying, but we were all relieved when we heard the stamp of the clogged feet running from the Town Hall and shouting my name. The first person who conveyed the exact numbers to me was Alderman Brierley. He waved the paper I had given him the night before and repeated the numbers I had given him, '4070, 4070,' and then I found the respective numbers of the poll were: for myself 4070, for my opponent 3241, and so my majority was 829. Whilst this information was being obtained and whilst congratulations were being received a catastrophe had occurred. Within the sitting-room Mr. Askwith had attempted to set light to the contents of the three jars. It was said they were damp, but all we positively knew was that the room was filled with a dense smoke accompanied by an horrible odour. Outside an enormous crowd, which the Superintendent of the Police estimated at sixteen thousand, loudly vociferated for our presence on the balcony, and I first sent forth the representatives of the two wings of the Unionist party, representing Conservatives and Liberal Unionists, in the shape of my two chairmen and my two agents, and a rattling reception they received. I kept my crowd waiting for a little time before I stepped out, so that they should think I was not going to appear. But when I did it seemed to me as if I had sixteen thousand madmen before me, and not one word that I uttered was audible. So I gave up the attempt to make myself heard, and it was arranged that we should proceed to the Phillips Hall, our headquarters. I escaped the crowd by passing through the stables, and with one trusty attendant appeared unexpectedly amongst some two thousand persons who had anxiously been awaiting the result of the poll. Many of them had been my most devoted workers, and they appeared to be frantic with delight. They gave me some periods of intermittent silence and allowed me in this moment of triumph to trample for the last time upon my accusers and slanderers. This was the moment of my justification: not only the victory but the spoils of the war were mine. That I was, by virtue of grace of the electors of Bury, their member, I did not conceal, I boasted of my exultation. For years I had longed for this moment, and I was not disappointed. And thus ended my personal career connected with Parliamentary elections. The result was that I was eight times returned to Parliament, five times after contested elections, three times unopposed, and I never suffered defeat."

With the new Parliament the new Home Rule Bill was introduced, and both Chamberlain and James actively worked against it. James made an important speech in April, 1893, on the second reading, and afterwards prepared amendments, distributed to different members of his party, chiefly with a view to the protecting of the minority in Ireland. In the autumn he was interested in the negotiations for the settlement of the allowances to be given to H.R.H. The Duke of Edinburgh on his succession to the Duchy of Saxe-Coburg Gotha, a subject in which the Queen was much interested, and his good advice in that matter probably led to an unusual request from Her Majesty.

"On Sunday, November 4, Sir Henry Ponsonby (the Queen's Private Secretary) called upon me in London, and said he had been requested in a letter he had received from the Queen (who was at Balmoral) to see me and obtain for her my advice. The Queen desired to know whether she could constitutionally insist upon Lord Rosebery causing Parliament to be dissolved. I at once said that before accepting so grave a responsibility as that of advising the Queen, I felt I ought to obtain the permission of the Queen to communicate the advice I should give both to the Duke of Devonshire and Chamberlain. Sir Henry replied: 'As to the Duke, I have anticipated your request and told the Queen that he could not be kept in ignorance of what was occurring, and the reply from Balmoral was, "Consult both." I then said I was satisfied, but should ask for permission to inform Chamberlain also. I next inquired whether my advice was sought upon the constitutional rights of the sovereign only, or was it desired I should advise upon policy also. After thinking a little, Ponsonby said: 'Advise upon both.' I then asked for some more information, and learnt that the Queen had been much moved by Rosebery's attitude in relation to the House of Lords. The word 'revolution' employed by Rosebery at Bradford had alarmed her. She felt that her Prime Minister, her chief adviser, had no right to declare himself as the Leader of a revolution which was fundamentally to change the Constitution. She was afraid that if the present Parliament continued in existence some step might be taken which would give assistance to the carrying out of the extreme views entertained by the supporters of the Government on the subject of the House of Lords, and she thought that it would be well if the General Elections could take place before an agitation against the House of Lords could take effect.

"After hearing all Sir Henry Ponsonby had to say, I suggested that the best course for me to pursue would be to write a memo., submit it to Hartington for his approval, and then let Ponsonby forward it to Balmoral. This was agreed to. I immediately wrote to the Duke, telling him what had occurred and promising to send the memo. by the next post to him at Chatsworth. On the same evening I wrote the memo. of advice. It was very clear and explicit in terms. My advice was that at the present state of the controversy the Queen should in no way interfere. If she were to demand a Dissolution Rosebery would of necessity refuse to dissolve. He could not do so, for in one of his speeches he had sketched out the Government policy in the coming session. At least, if he dissolved, he would have to disclose the Queen's interference. But if he refused to dissolve, as certainly would be the case, the Queen could scarcely retain him as Minister. Dismissal would render the Government popular, and a Dissolution by the New Ministers would be far less favourable to the constitutional cause than if it occurred after the Government of Lord Rosebery had been overwhelmed by their own difficulties and had been defeated.

"Upon these subjects I entered fully, and also traced out the Queen's constitutional rights, arguing that they, in conjunction with the legitimate powers of the Peers, were sufficient to protect and maintain the Constitution. I could scarcely express myself as strongly as I felt, for my view was that it would be a most dangerous act of folly if any premature interference of the Crown took place, and that it probably would prevent the certain anticipations we had formed that Lord Rosebery's Government would be emphatically condemned by the country at the General Election being realized.

"On Monday I forwarded a copy of the Memorandum to Chatsworth, and on Tuesday the 6th, I received a telegram saying: 'Approved in every respect.' The same evening the memo. was sent by Sir Henry Ponsonby to Balmoral. During the week I received permission to inform Chamberlain of all that had happened, and a few days afterwards I learnt from Sir Henry that the advice in the memo. was regarded as sound and would be acted upon.

"Upon Sunday, the 11th, I went to Birmingham, and in pursuance of the permission I had received informed Chamberlain of the events I have narrated, and read a copy of my memo. He expressed his most entire approval of the advice given, and authorized me so to inform Ponsonby, which I did.

"During the first week in December I received an invitation to dine at Windsor with the Queen, on Wednesday, December 12. On the afternoon of that day I received a telegram saying that my visit must be postponed on account of the sudden death at Windsor of Sir John Thompson, the Prime Minister of Canada. The same evening I received a second telegram saying I was expected on the following Saturday. On the morning of that day I attended a meeting of the Council of the Duchy of Cornwall. After the business of the Council was concluded the Prince of Wales said: 'We shall meet, I am glad to say, again this evening,' and then conveyed to me that he was aware that the Queen had consulted me.

"After dinner I had a long conversation with the Queen. It lasted nearly three-quarters of an hour. She expressed herself most strongly upon political affairs—not concealing her anxiety upon the subject, especially of the House of Lords. She was very discreet when speaking of individuals—but by her silence as to some whose names I mentioned, and by speaking favourably of others, I gathered where her predilections existed. She took great interest in my assurances that our reports from all parts of the country showed that the agitation against the House of Lords had taken no root, and that the Government were much discredited. In an indirect manner she conveyed her approval of the advice I had given her. Our conversation had lasted so long that the members of the Household, who had all been standing some distance off, showed manifest signs of weariness, and the Prince of Wales moved round the Queen as if to remind her that the hour was very late. At length the little bow of dismissal came. It was, I felt, very friendly and sympathetic in its character."

With the coming of 1894 another General Election seemed to come within sight. Mr. Chamberlain became very active, and the union between Conservatives and Liberal Unionists drew closer. Parliament, however, separated without a dissolution, and the disputants adjourned for the holidays.

" Arrochar House,
" Loch Long, N.B.
" *30th July*.

" My dear Chief,

" For days I have been intending to protest against your remaining in that confounded H. of Commons, and so do now come away and become the centre of some admiring throng of envious sportsmen and the prey of a crowd of subsidised schoolchildren and cast Home Rule into the farthest limbo.

" I live in hopes of seeing you at Bolton on the 11th, where if you come we will have the finest possible fun and I shall feel 18 as I always do when you are near.

" I think you must now be very glad that you are not occupying the place which Bowen is now about to fill. You have a splendid position in the House and I think a still better one in the country. No one of your old friends is the least embittered against you, and you have, when your party comes in, the ball at your feet. Of these things no one is prouder or gladder than,

" Yours affectionately,
" A. Lyttelton."

The course of events in the autumn of 1894 and spring of 1895 provided continuous letters from Mr. Chamberlain, and still closer union between Liberal Unionists and Conservatives.

"I find a general disposition," wrote Mr. Chamberlain in October, "to accept warmly my general policy of putting forward Social Reform as an alternative to Constitutional changes. I have an enormous correspondence—urging me to go on—*and I will.*

"I have heard from Hatfield Lord Salisbury is most friendly and entirely favourable *in principle*, tho' asking for more details."

In November Chamberlain was saying: "Lord Salisbury was very polite to me at Edinburgh and he said more even that I hoped for in favour of the programme. I hope that the Duke will follow suit—but as 'Punch' points out, he is more difficult to wind up than the 'Markis.'"

And in December: "I am not surprised to hear of Harcourt's determination to press forward the Local Veto Bill. He does not want to carry it, and probably recognizes now that he has made a mistake in introducing it, but he must keep up his reputation and retain the support of the Temperance party. He will therefore die fighting heroically in the breach. I take it that his obstinacy will make his colleagues not unwilling to accept their fate at an early period in the Session. . . .

"Balfour spoke very nicely at Nottingham about the relations between the leaders, did he not? I think that the spectacle of our harmony must be gall and wormwood to the Gladstonians."

And again: "I feel that we ought to be prepared for an immediate dissolution. . . . A Unionist Government should, from the outset, declare its settled intention to leave all questions of Constitutional reform and change of machinery entirely alone for the present, and to devote itself entirely to the study and prosecution of social legislation. Unfortunately the Conservative party is weak in constructive Statesmanship, but the Government must contain men capable of giving practical application to the principles on which such legislation is to be based.

" 'The old Gang,' as poor Randolph used to call them, is incapable of this, and there must be a considerable infusion of new blood.

" . . . I think in the exceptional circumstances of the present case that the Duke, you and I may be pardoned for coming to a definite conclusion at once as to the terms—and the only terms on which we will accept office if it is offered to us."

The last day of the year brought an interesting letter :—

" 5, Old Palace Yard, S.W.
" *December* 31*st*, 1894.

" My dear James,

" A good many Rads. want the Government to be beaten, but it is by no means easy to vote against them on questions of procedure and on minor issues.

" I should think that you ought to win before Easter by those of our men who are not going to stand again being slack in attendance, and others sulking on this or that reason. . . . Evidently the Parnellites could not vote with you on an Irish question, but they could and would upon anything else raising the issue of confidence. They do not ask for any *quid pro quo*, but only are desirous to know whether the issue can be so arranged that it compromises neither side. . . .

" Yours truly,
" H. Labouchere."

" *January* 9, 1895.

" We (the Duke and I) are agreed that you are entitled as a matter of right and justice to have any office you choose—if a Joint Ministry should be formed, and that we will make this a *sine quâ non.*

" Please *do not hesitate* to make your decision at once and tell me what it is—Lord Chancellor—Home Office—or anything else?

" Yours very truly,
" J. CHAMBERLAIN."

" *February* 19.

" Balfour suggests that a few of us should meet in Arlington Street on Wednesday (to-morrow) at 1 o'clock, in order to talk over the motion for adjournment which I believe you intend to move on Thursday and which interests Lancashire so much.

" Shall you be disengaged at that hour? and if that is, by any happy chance, the case, will you come?

" Yours very truly,
" SALISBURY."

In March a request by Henry Labouchere ultimately led up to James being appointed Umpire in the Boot and Shoe trade under a settlement effected by the Board of Trade.

" *April* 11.

" I thank you warmly for your most kind letter on my retirement from the Chair. I have ever received from you support and help on occasions which you perhaps may forget, but which I shall ever gratefully remember.

" Believe me to remain,
" Sincerely yours,
" ARTHUR W. PEEL."

" *May* 1895.

" The defeat of Lord Rosebery's Government on Friday was a very strange affair," noted James.

" It was anticipated that the military members of the House of Commons would feel strongly that the stock of small-arms ammunition was too small, and that they would remain in force to express their views by voting on the estimates. On the Monday preceding the Friday Austen Chamberlain spoke to me confidentially, asking me to promise him that in any event I would be in the House on the coming Friday, as a Division would be taken under very favourable circumstances. The same request was made to all Liberal-Unionist members, and we were all accounted for—by presence or pairing—when the Division came. The Conservatives, however, made no whip for the Division, and Akers Douglas even gave permission to their members to leave the House during the afternoon. But the military men and the Liberal Unionists remained, and by them the majority was obtained. Doubtless the Government did not anticipate any demonstration in force, and were very lax as to the attendance of their men. To a strong Government such a defeat would have been immaterial and would have been set right by a rescinding vote. But the internal condition of the Government was such that this opportunity of resignation was gladly seized upon. Several members of the Government were not on speaking terms with each other. At this time also the Government majority was reduced to 9 or 10. With such small power at command a rescinding vote would have been a critical affair.

" When Lord Rosebery resigned Lord Salisbury formed the new Government. I was ill in bed at the time, and so my interests were in the hands of the Duke of Devonshire. He told Lord Salisbury that I, having refused Mr. Gladstone's offer of the Chancellorship, ought now

Salisbury
6. March. 1900

The Marquess of Salisbury, K.G.
Prime Minister and Secretary of State for Foreign Affairs.

to have it. But Lord S. said, 'No, I cannot dispossess Halsbury. Ask James what other office he would like.'

"I replied saying in effect that I should not seek to interfere with Lord Salisbury's arrangements as to the Chancellorship; that the Mastership of the Rolls was out of the question, I had refused that office 12 or 13 years ago and I was too old to commence judicial life; that the Home Office involved constant and late attendance at the House of Commons which I felt was too much for my health and strength. The doctors too put a strong veto upon any office involving great strain.

"I offered to take the Chancellorship of the Duchy with a Peerage, reserving to Lord Salisbury if a Law Lordship fell vacant in a year or two, to determine on my claims for such office. I placed my legal services if available either in the House of Lords or in the Judicial Committee of the Privy Council at the disposal of the Government."

> "*June* 26.
>
> "MY DEAR DEVONSHIRE,
>
> "*Ça va sans dire.* Of course, if James wants the Duchy he must have it. I may press him to take the Home Office in a day or two if I cannot find a fitting candidate. But anyway let us say at once that he takes the Duchy with a seat in the Cabinet.
>
> "Ever yours truly,
> "SALISBURY."

"Does he wish for a Peerage?"

> "*June* 28.
>
> "MY DEAR DEVONSHIRE,
>
> "I have received the Queen's approval of James' Peerage—and it will be announced to-morrow.
>
> "Yours very truly,
> "SALISBURY."

There followed the necessary resignation of the post of Attorney-General to the Prince of Wales, and the General Election, endorsing the new Government by a large majority.

"*July* 18, '95.

"My dear James,

"Heavens! What a smash! Alas, poor Morley! I confess I was sorry for Harcourt but I shed no tears over the philosopher in politics.

". . . There has been nothing like it since the defeat of the little Englanders after the Crimean War.

"I hope our majority will not engender splits.

"I have two more big speeches to make and then I hope for a little rest.

"Yours ever,
"J. Chamberlain."

CHAPTER XVI

CHANCELLOR OF THE DUCHY OF LANCASTER

"On October 15, 1895, I then being Chancellor of the Duchy of Lancaster, went as Minister in attendance to Balmoral. During the seven days I remained there I dined six times with the Queen. The party was a very small one, never exceeding eight in number. I sat always on Princess Beatrice's right, next but one to the Queen. She frequently joined in the conversation which was taking place between Princess Beatrice and myself, and her manner was most unaffectedly natural and kind. Every evening in the drawing-room after dinner I was called up to talk to her Majesty, and occasionally she was most confidential in relation to her family and personal affairs. To these I do not refer. Upon politics she spoke with great moderation, but yet decision. The Queen told me that she had remonstrated with Lord Rosebery upon the position he had assumed towards the House of Lords. His reply came immediately, saying that he regarded the House of Lords, with its existing powers and constitution, as most injurious to the country, that he could not alter his hostile position to it. Of Lord Herschell, the late Lord Chancellor, the Queen spoke in high commendation. As to Lord Halsbury, she only observed: 'I hear that my present Chancellor is a very good lawyer.' With all of which views I expressed my concurrence.

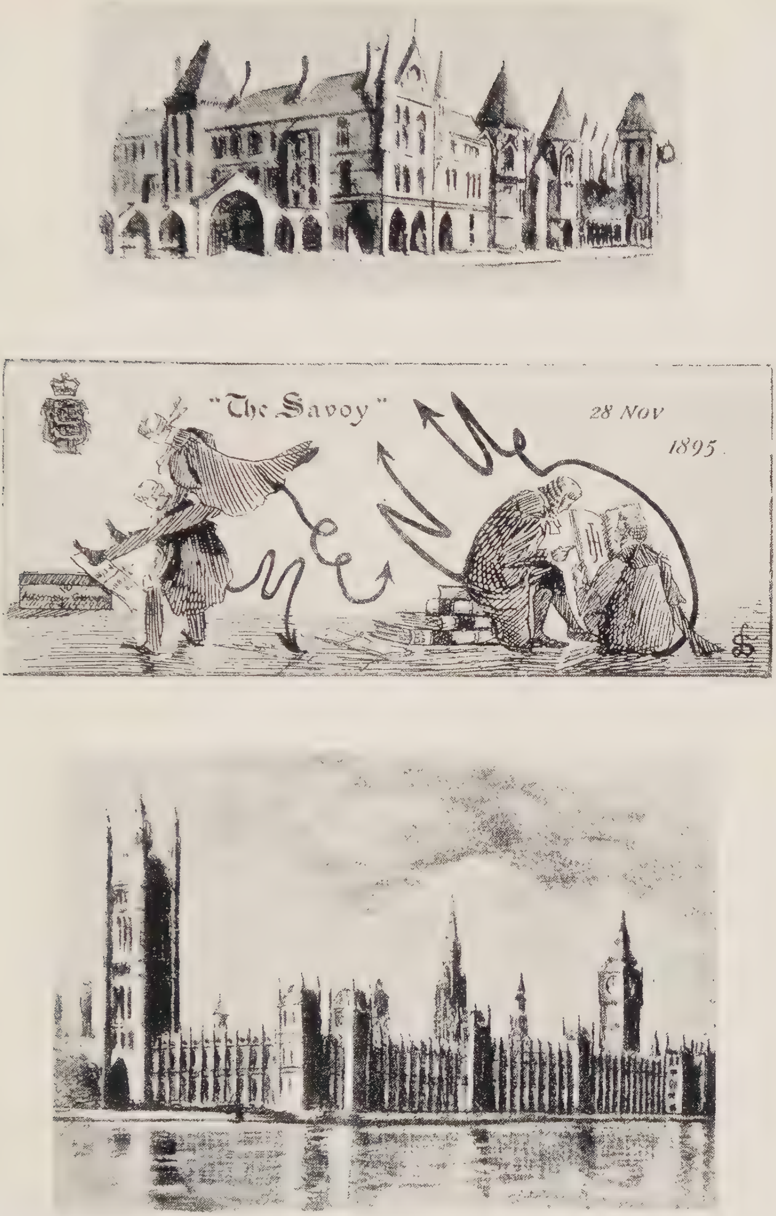
"In referring to the Lord Chancellors she could not recall one—'a very clever but a rather wild man; he was appointed in 1861.' For a time I could not recollect who he was, and the Queen appealed to the Lady-in-Waiting, Lady Ampthill, to tell her who the Chancellor was who was appointed in 1861. Fortunately—as might be expected—Lady Ampthill did not know, and then I remembered that it was Lord Westbury, and so saved myself.

" When breakfasting and lunching with the gentlemen and ladies in attendance, I had told them a good many anecdotes, a few of which, I fancy, reached Her Majesty's ears through her ladies, for one or two of these anecdotes I had to repeat to the Queen. The night before I left, when she was dismissing me after our talk, she said very prettily, ' Lord James, your visit has given me great pleasure, and my Ladies too.'

" On November 28, my ' Devils ' and those who had served under me entertained me at a very sumptuous dinner."

This dinner (for which the arrangements were made by me as the junior " devil ") was held at the Savoy Hotel, and was quite remarkable in the many famous lawyers by whom it was attended and by the speeches. With the exception of Lord Herschell almost all the " devils " and official lawyers who had served under James came to dine and to give him a reception which was almost unique. Sir William Harcourt proposed his health and in an intimately witty speech voiced the general feeling of deep loyalty. Sir Frank Lockwood had illustrated the menu, the table was laid with the red roses of Lancaster, and, it may be said, James himself was deeply moved. His own profession gave him a regretful farewell from active practice at the Bar, which he had entered so many years before, unknown, without influence, without friends, without any tendency to subserviency.

It may be asked what was the reason why men of such different character, knowledge and ambitions, met round the same board and with such unanimity praised their guest. The fact was that James, as Mr. Balfour subsequently styled him, " was a good fellow." He was

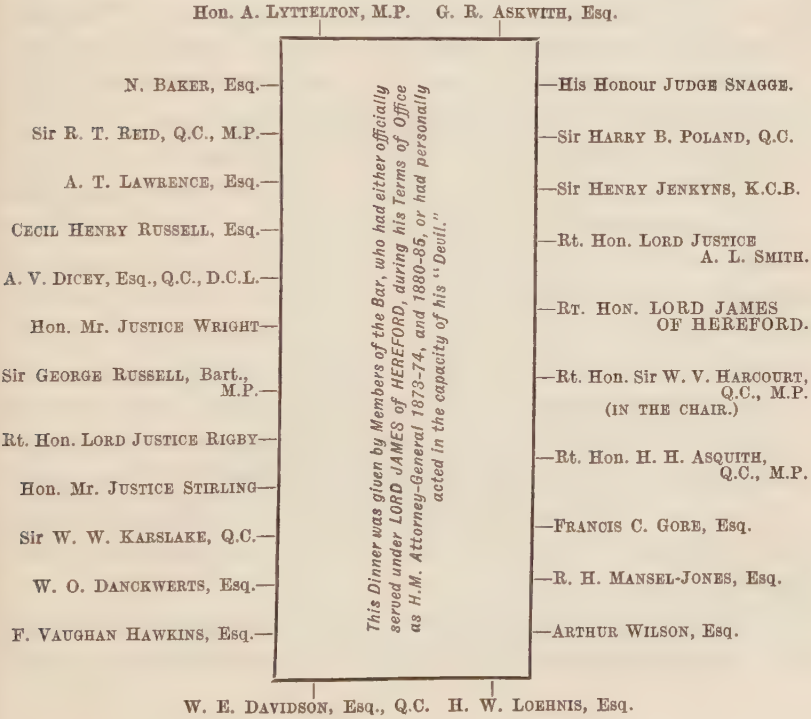

"The Savoy"
Menu
28 Nov
1895.

FROM THE MENU OF THE "DEVILS' DINNER" AT THE SAVOY HOTEL, 1895, WITH THE ROYAL COURTS OF JUSTICE AND THE HOUSES OF PARLIAMENT.

From the design of the late Sir Frank Lockwood, Q.C., M.P.

ever ready to help others, and though men are not always grateful for help, help had been given to some of those present in a manner which had left no sting behind. He had a magnetic personality and a sense of humour, throwing off one subject to proceed to another, and instilling a sense of brightness in almost any company where he might be. As Alfred Lyttelton had remarked, when hoping to meet him at Bolton: "We will be like school-boys together"; and these two certainly were, cracking jokes one with the other, with a strong bond of affection between them.

It must have been a strong link which bound the rather dour Mr. Justice R. S. Wright, the jovial, political opponent Sir William Harcourt, the rising statesman H. H. Asquith, the shy and learned Vaughan Hawkins, and even the difficult W. O. Danckwerts, in general affection and admiration for their former chief.



This Dinner was given by Members of the Bar, who had either officially served under LORD JAMES of HEREFORD, during his Terms of Office as H.M. Attorney-General 1873-74, and 1880-85, or had personally acted in the capacity of his "Devil."

Hon. A. Lyttelton, M.P.
G. R. Askwith, Esq.
N. Baker, Esq.
Sir R. T. Reid, Q.C., M.P.
A. T. Lawrence, Esq.
Cecil Henry Russell, Esq.
A. V. Dicey, Esq., Q.C., D.C.L.
Hon. Mr. Justice Wright
Sir George Russell, Bart., M.P.
Rt. Hon. Lord Justice Rigby
Hon. Mr. Justice Stirling
Sir W. W. Karslake, Q.C.
W. O. Danckwerts, Esq.
F. Vaughan Hawkins, Esq.
His Honour Judge Snagge.
Sir Harry B. Poland, Q.C.
Sir Henry Jenkyns, K.C.B.
Rt. Hon. Lord Justice A. L. Smith.
Rt. Hon. LORD JAMES OF HEREFORD.
Rt. Hon. Sir W. V. Harcourt, Q.C., M.P. (In the Chair.)
Rt. Hon. H. H. Asquith, Q.C., M.P.
Francis C. Gore, Esq.
R. H. Mansel-Jones, Esq.
Arthur Wilson, Esq.
W. E. Davidson, Esq., Q.C.
H. W. Loehnis, Esq.

1896

" *February* 15.

" On Thursday the 13th I received a telegram from Sir Arthur Bigge at Osborne saying that the Queen wished me to pay a visit to Osborne on Saturday the 15th, returning to London on Sunday. As Prince Henry of Battenberg's death in January had occasioned great grief to the Queen, and as I was the first person invited since that death, I did not anticipate that the visit would be a very cheerful one. I arrived at Osborne about 6 o'clock, and was shown into a most comfortable suite of rooms—very different from the Ministers' room at Balmoral. Shortly after an attendant informed me that the Queen wished to see me before dinner, which takes place nominally at 9 o'clock. About 8 o'clock I received a message that the Queen thought I had better dress for dinner before seeing her. This I at once proceeded to do, but in about five minutes the attendant returned, summoning me to the Queen's room. I hurried on my garments as quickly as possible, and found her sitting in a small room next to her bedroom. She was dressed in a most homely black silk costume. She began by saying: 'I wished to see you alone in order to thank you for the great sympathy you have shown to me and my dear child in this our heart-breaking sorrow,' and then proceeded in very simple language to tell me how severe the blow had been. As soon as an opportunity occurred, I replied by saying: 'I think, Ma'am, your people are feeling truer sympathy now than ever they extended to you before, even in your saddest afflictions, because they know you are grieving for another's grief.' The Queen seemed much pleased with this, saying: 'How true that is. I am truly grieving much for my dear child's crushed life.'

" For some minutes we continued talking on this subject, and then very cheerfully the Queen referred to public affairs, especially praising Mr. Chamberlain's treatment of the Transvaal difficulty. She had a cheery little laugh over the matters we talked about. Twice someone opened the door opening into the bedroom, an interruption the Queen sharply noticed by saying: 'Go away; I am not ready.' Taps also came at the sitting-room door, to announce, I presume, that the dinner-hour had passed. It was some minutes after nine o'clock when I received the well-known graceful little bow of dismissal.

"At dinner Princess Christian sat on the Queen's right hand and I was placed next to her. We talked, as usual, in a very subdued tone, but the Queen often leant her head towards us and listened to our conversation. Just before leaving the dinner-room I told Princess Christian a little anecdote I had heard from Sir Henry D. Wolff. He is now our ambassador at Madrid, and when home on leave a few weeks ago he told me a supposed demonstration of the great intelligence of Spanish dogs. Lady Wolff possesses a favourite dog which dined every day with Sir Henry and Lady Wolff. One day, some friends dining, the dog's dinner was forgotten. It was too well-behaved to bark or scratch, so it trotted into the garden, selected and bit off a flower, and, returning, placed it on Lady Wolff's lap. Looking at it, she found it was a 'Forget-me-not.' On my telling the Princess this remarkable tale, she at once said, 'Oh, how pretty! Do tell that to Mamma.' The Queen looked responsively round, so I repeated the anecdote to her. She laughed heartily, and said, 'But can it be true?' 'Your Minister at Madrid, Ma'am, is always remarkably accurate in his statement of facts,' I replied. 'Ah, so I understand,' said the Queen, with a very sly look.

"In the drawing-room after dinner I had a further long talk with the Queen, of nearly three-quarters-of-an-hour's duration. She introduced the subject on which she wished to talk, principally political subjects. She spoke of her visit abroad and of the difficulty of holding Councils in her absence. She asked me very pointedly: 'Can I hold a Council abroad?' I had to admit that the subject was new to me, but I knew of no absolute objection to a Council being so held. Last year she delegated the power to hold Councils in her absence to the Prince of Wales. As the Prince now intended to be absent from the country at the same time as the Queen, she purposed to confer the power on the Duke of Connaught. I interposed by saying: 'In the Prince's absence?' 'Oh, certainly,' she said. 'I meant failing the Prince of Wales,' and asked me to request Lord Salisbury to communicate with the Prince and carry out the arrangements. (Next day I saw Lord Salisbury and conveyed the Queen's wishes to him—the suggested arrangement was carried out.)

". . . Sir Arthur Bigge told me that the Queen's beautiful letter of thanks to her people on the death of Prince Henry was written by the Queen (notwithstanding her failing sight) by her own hand, without making one correction. She had no assistance in its composition."

This visit was followed up by another message from Her Majesty:—

> "My dear Lord James,
>
> "The Queen is very anxious that during her coming residence at Nice, you should be there for at least a portion of the time as Minister in attendance. Is it possible for you to spend a portion of the time on the Riviera? The Queen will be there, I imagine, from about the 12th of March till the end of April.
>
> "It is a matter of great difficulty to get this work done as the Queen is very particular.
>
> "Ever yours truly,
> "Salisbury."

Prior to this journey the question of accidents to workmen on which a Bill was due occupied the attention of both James and Mr. Chamberlain, in the endeavour to widen the Home Secretary's proposals.

> "HIGHBURY,
> "*27th January*, 1896.
>
> "MY DEAR JAMES,
>
> ". . . For Heaven's sake stand firm!
>
> "A majority of the Unionist members are pledged to the new principle of 'compensation for all accidents,' and it would be fatal to us if our first social reform were clearly less favourable to the working-classes than Asquith's proposal."

In August gout again demanded a visit to medicinal waters; but judging from this extract from a letter to me the visit was not too pleasant.

> "GASTEIN, AUSTRIA,
> "*August 28th*, 1896.
>
> "In some respects the place is pretty enough—against a wall in the Tyrolean mountains—with beautifully invigorating air, but oh, Lord, its dullness. No amusements of any kind, and not one single person to associate with. Then the ground is covered with snow, which falls every night and is washed away every day by rain. We stay here for nearly another fortnight and then I shall rush back to Glen Quoich. I am pining for the society of friends again.
>
> "I am to go to Balmoral Nov. 2nd–9th. There again I shall find it cold as death."

The entrance of the leaders into the Government caused the Duke of Devonshire to be doubtful as to the manner in which any Liberal-Unionist party could be maintained.

"Beaufort House,
"Newmarket,
"*Oct.* 1*st*, '96.

"My dear James,

"There is a matter which I think we shall have to consider when Chamberlain comes back, and it is not a very simple one. . . . I do not see how the L.U. organization is to be kept up locally, now that there is no particular danger to the Union, in the absence of any central action. The L.U. Association continues to exist, but it does not make its existence known, as far as I am aware, to provincial L. Unionists, except by asking for subscriptions. . . .

"We might possibly keep ourselves together a little longer by giving the party an opportunity of occasionally at some central place meeting each other and making speeches, as I believe the Conservatives usually do. But this would not be altogether free from objection. If they are invited to discuss Education or anything else from a L.U. point of view they may probably indicate some considerable difference of opinion with the Conservatives, which may make matters worse instead of better. . . .

"Yours very truly,
"Devonshire."

Then came a week at Balmoral.

"1896. *November 3rd–9th.*

"During this period I was in attendance as Minister at Balmoral. The Queen was very cheerful and seemed most desirous to enlarge the usual scope of conversation with the object of cheering Princess Henry of Battenberg. . . . I dined every night with the Queen, sitting next her on her left hand three times. On the other evenings I sat on Princess Henry's right, she being next the Queen. When I sat next the Queen she talked almost continuously to me, inviting Princess Henry to join in the conversation.

When Princess Henry sat between us the Queen talked across the Princess to me. This, Henry Byng, who has been an Equerry for more than 40 years, told me was an innovation, which he attributed to the Queen's desire to amuse Princess Henry.

" I had some most interesting conversations with the Queen. Her mind seemed very full of European politics. The Czar of Russia had spent some fortnight at Balmoral during the end of September and beginning of October. I gathered that the visit had occasioned the greatest pleasure to the Queen. The Czarina is one of the Queen's favourite grandchildren, and had spent several autumns, when young, at Balmoral. The Czar, who is devoted to his wife, had enjoyed the privacy and family life of Balmoral immensely, and had created a most favourable impression upon all who came in contact with him.

" In relation to European politics the Queen expressed herself most strongly in favour of the closest friendship with Russia. ' Why cannot we be good friends with Russia ? There is our natural ally.' As I entirely shared these views, I replied, saying : ' Many of your servants, Ma'am, fully share your views.' I then added, friendship with Russia meant also the friendship of France—that we are invulnerable to all nations except those two, and friendship with them meant certain peace. She replied very quietly, ' Oh, do impress your ideas upon everyone—for they certainly are mine. I cannot understand why we are always doubting Russia.' She did not mix the Czar up with politics, but one evening, overhearing me saying to Princess Henry what a good effect the Czar's visit to Balmoral would have, and, in fact, had had, the Queen interposed, saying : ' Yes, no doubt ; but he did not come here with any political object ; he came simply to see me and my family—although no doubt he went away in a most friendly spirit.'

" The second prominent topic in the Queen's mind was her antipathy to Prince Bismarck. He had very lately disclosed in the Press the existence in 1890 of a secret arrangement between Germany and Russia amounting to a treaty of mutual defence. This disclosure had produced a great impression, as Germany's position in the Triple Alliance scarcely accorded with such an arrangement. It was thought that Bismarck's disclosure was made with the object of annoying England. Upon this subject the Queen spoke very freely; she also referred to Prince Bismarck's treatment—'cruel, cruel treatment'—of the Empress Frederick, and to the attacks he had made upon Sir Robert Morier, our Ambassador.

"Whilst speaking freely of Russia and Germany—and of the Czar individually—she never mentioned the name of the Emperor of Germany.

"In connection with home affairs the Queen constantly referred to Lord Rosebery. Though she liked him personally, she said: 'He never seemed really to know his own mind.' 'I scolded him for taking up so strong a position against the House of Lords. I telegraphed to him twice and wrote to him. I did not like his talking about revolutions. He came and saw me, and all he said was I need not trouble, as his views had fallen very flat and had made no progress in the country. I did not think that this was a right position for my Prime Minister to take up, and I was not sorry when he was turned out.' To Mr. Gladstone the Queen only referred once, saying: 'He did a great deal of harm—a great deal of harm—he was very dangerous.'

"She spoke in very high terms of Lord Salisbury. When I said that all the prominent statesmen of Europe had passed away and that it was of great advantage to this country that a statesman possessing great personal weight should represent it before the world, the Queen almost enthusiastically concurred, saying: 'I am very sensible of Lord Salisbury's position in Europe.'

"In all subjects affecting the people, such as the price of bread and coal, the treatment of our criminal prisoners, the Queen appeared to take the keenest interest, referring more than once to those and similar subjects. In the 'audiences' I had in the drawing-room after dinner she frequently referred to the afflictions she had gone through, especially to the death of Prince Henry of Battenberg.

"I especially amused the Queen one day at dinner by telling her of an occurrence at Hatfield during Whitsuntide, when the Prince and Princess of Wales paid a visit to Lord Salisbury. A little grandson, five years old, was told that he was to go into the garden to see the Princess of Wales and the two young Princesses.

"When he returned from the interview he was asked by Lord Salisbury if he had seen the Princess of Wales. 'No, I did not see her,' replied the young courtier; 'she was not there. I only saw the three young Princesses.' This was told to the Princess, who said, 'Dear little boy.' 'Just what she would say,' said the Queen.

"During the whole of this visit the Queen seemed to be endeavouring to the utmost to convey that she wished me to speak with complete freedom to her. When I was leaving, she wrote me a very courteous letter and sent me some books.

". . . On Friday the 19th of February, 1897, I received a summons to dine and sleep at Windsor Castle. The Princess Henry was absent from the dinner-party, but the Empress Frederick was there. She addressed me on the subject of Crete, where the inroad of the Greeks has created a very complicated position, and our conversation on this and other subjects lasted (after dinner) for nearly an hour. She told me of her little grandson (son of the Crown Princess), who took the Empress upstairs to his nursery to show her his great treasure. It proved to be a statuette of Lord Byron. 'I love it so, Granny,' the child said. 'Why?' the Empress asked. 'Because he was an Englishman and the greatest friend Greece ever had,' was the reply. 'That boy is such a darling,' added the Empress.

". . . On Saturday, February 26, I had to attend a Council held at Windsor for the purpose of the Queen picking the lists of Sheriffs. As Chancellor of the Duchy I have to present the name of the Sheriff for Lancashire—and the audience is a private one. When alone with the Queen she immediately commenced a conversation on the subject of Crete. 'Your troubles are not over, I fear. It will never do to keep the Turkish troops on the Island after the Greeks have left. There are more than 11,000 Turkish troops in the Island. There will be massacres of a frightful character. I cannot understand why they should be left. This treatment of Greece seems very hard. . . . I suppose this arrangement is to please Germany.' The tone of these observations was probably the result of the strong opinions of the Empress (who is still at the Castle) being impressed on the Queen. Her Majesty then spoke very kindly of the increased revenues of the Duchy of Lancashire, and told me to tell my niece that she had been very pleased to see her at the Drawing Room on the previous Wednesday.

"On Sunday, February 21, I called on Sir William Harcourt and had a long interview with him. Our political conversation turned principally on Crete. I listened to all he had to say—but communicated nothing in reply. He expressed a general approbation of Lord Salisbury's foreign policy, especially in connection with the two American Arbitration Treaties. He also approved of the action of Great Britain in demanding the immediate acknowledgment of Cretan autonomy. But he wanted an insistence upon our policy being carried out even to the extent of withdrawing from 'the concert of Europe.' 'Why not?' he said. 'Let the rest of the Powers go on by themselves. They may quarrel and possibly go to war. There will be lots of difficulties for them to get over, and they must of necessity come back to us to solve them. In real truth we are masters of the situation. Our naval force is overwhelming, and with Italy a sincere ally and France sympathetic, we must be paramount in the Eastern seas.' I combated this view, saying that whilst we were in the concert we could keep the peace—out of it we could only protect ourselves from war. In our absence no combined action could be taken and war would probably break out. Although we might not be a party to such a war this country would suffer from it.

"Twice Harcourt with a laugh said: 'Thank God this crisis did not arise whilst our Government was in office. How on earth should we have dealt with it? We should have been out of office in a week.'

"He also said that the letters a few days previously written by him and Lord Kimberley to the Liverpool Reform Association had been settled in a Cabinet Council of Opposition Leaders. 'Some of our Radicals wished us to give our support to Greece, but I positively declined, and you will see that Greece is not mentioned.'"

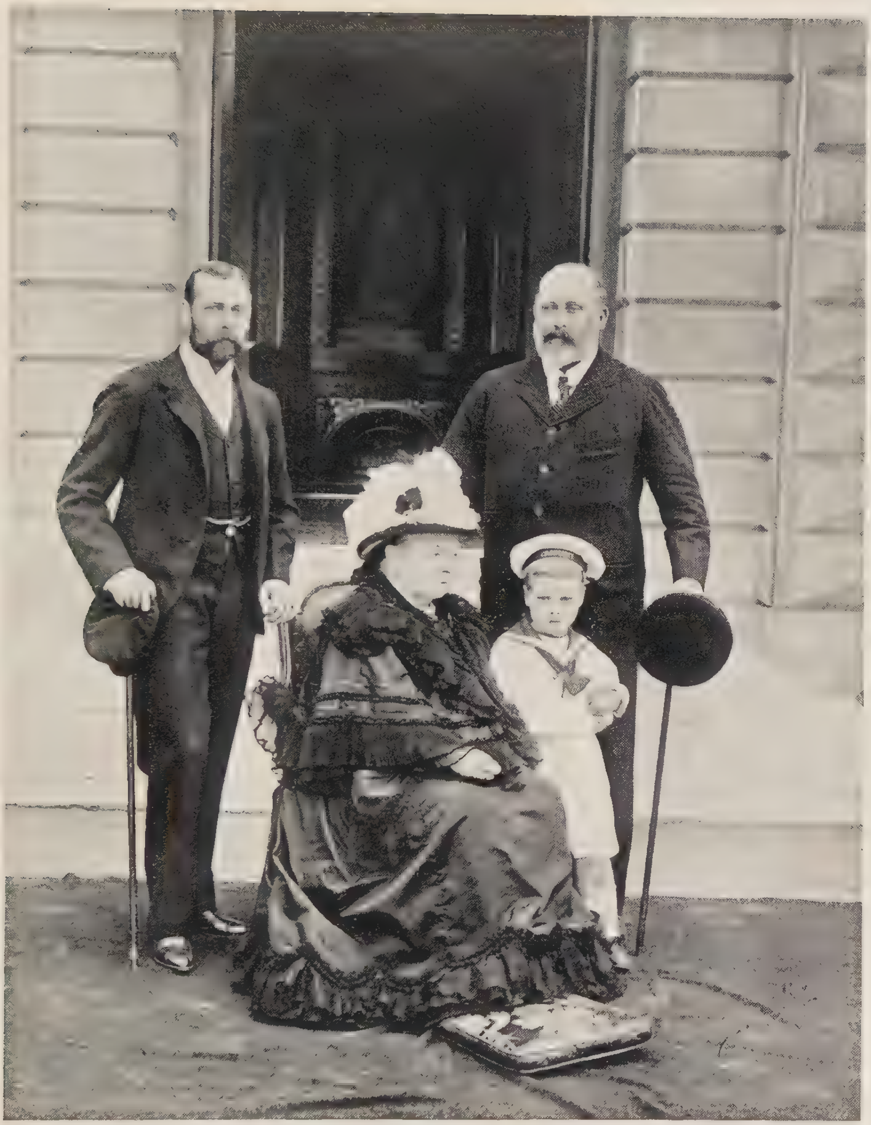
In March 1898 James was in attendance on the Queen at Cimiez, where she was staying at the Excelsior Hotel Regina, and had a severe attack of gout. Her Majesty was most thoughtful and kind in her attention, and wrote to him daily an autographed letter, inquiring after his health and giving him information from the cypher telegrams from the Government. Thus, on hearing that the Cabinet had decided not to go to war with Russia over the grant of Port Arthur, she wrote: "The Queen sends a cypher which is important. She thinks the decision wise. Lord Salisbury was forbidden to cross to-day by Sir William Broadbent, and won't leave till Monday, the weather being so tempestuous. The Queen saw Lord

Salisbury to-day and found him wonderfully well. The Queen is grieved to hear of Lord James' painful attacks of gout. She trusts he is better this morning."

She was very pleased with the growing revenues of the Duchy of Lancaster, which by 1897 had reached a record sum, and continued to rise each year. It may be mentioned that an autograph letter by her was invariably sent on to the Chancellor the last day of the year. In 1899 James sent a report on an earlier date than usual, and, receiving no reply, wrote to Sir Fleetwood Edwards. He answered on December 26th that he believed the Queen would write him direct when free from the vortex of the Christmas whirlpool. "As I write she is herself distributing presents from a Christmas-tree to the wives and children of soldiers and reservists now in South Africa." Without fail on the last day of the year came the autograph letter: "The Queen wishes to thank Lord James of Hereford for his letter and for the very satisfactory account it gives of the affairs of the Duchy of Lancaster. She wishes at the same time to thank him for all the pains he takes to serve her interests, and she knows how much this has contributed to the very satisfactory state of the Duchy." The Queen could not conclude this letter without offering Lord James her best wishes for the New Year, 1900.

But in December 1900 Sir Fleetwood Edwards had to write: "The Queen has just directed me to thank you for the Duchy of Lancaster books, and for your letter of a few days ago, and to add that she is sorry not to have been herself able to write, but Her Majesty hopes to do so shortly." This hope, just a few days before her passing away, could never be fulfilled.

A general sketch of the political situation arising from the union of Conservative and Liberal-Unionist leaders appears to have been written by James about this period. He notes:—



Edward.
George

The four Generations - Sept. 1899
Victoria R I - Albert Edward P.

At the back of this photograph there appears in Her Majesty's handwriting :—
" For Lord James of Hereford, from the Queen."

"The Cabinet formed in June 1895 represents some interesting features. Four of its members are Liberal Unionists: the Duke of Devonshire, Lord Lansdowne, Chamberlain and myself. But extraordinary unanimity has been maintained.

"Lord Salisbury always sits in the centre of a horseshoe table, with the Lord Chancellor always on his right, Arthur Balfour on his left with Chamberlain next to him, the Duke of Devonshire sitting opposite to the Prime Minister.

"Lord Salisbury keeps complete control over the discussions of the Cabinet, but he is very tolerant and mitigates any warmth in argument by a current of good-humour. There is no cleavage whatever between the two sections of the Cabinet. Chamberlain has once or twice expressed his personal view as being of a more liberal character than the policy of the Cabinet represented, but has always yielded his opinion to the majority. Especially he seems desirous to show his accord with Arthur Balfour, his Leader in the House of Commons.

"In a Cabinet of 19 members business could not be carried on if everybody talked much. So a tacit understanding seems to exist that on most subjects those only who have a special knowledge of it should express any detailed opinion. For instance, when dealing with Indian affairs, George Hamilton and Lord Lansdowne guide the Cabinet. On matters affecting the proceedings in the House of Commons Balfour and Chamberlain are the chief advisers. Some of the members of the Cabinet seldom express an opinion even on the most general subjects. Hicks-Beach—the Chancellor of the Exchequer—expresses his opinions very confidently, not always agreeing with the Prime Minister. He certainly carries great weight in the Cabinet. When the date of a Cabinet was being selected, Lord Salisbury would sometimes suggest a date, and then turn to the Duke and say with a smile, 'Does that happen to be a sacred day, Duke?', in case the date should coincide with the Derby or Ascot. It is somewhat strange to me that Lord Salisbury should have on several occasions invited me to express my opinion on subjects of general policy—an invitation he has never given to anyone else.

"As time passed by Chamberlain's influence and predominance increased. Lord Salisbury's strength, mental and physical, perceptibly waned. In the later days of his Foreign Secretaryship he had apparently lost hold of all details in the conduct of his affairs, and his colleagues became alarmed lest some untoward event should occur. In 1901 no one could recognize the Foreign Secretary who had obtained the Arbitration Treaty of 1896 with the United States. Then Mr. Chamberlain took pains at all times to secure co-operation with Arthur Balfour. They sat and acted together in the House of Commons, and an opportunity was taken at a Liberal-Unionist Dinner to A. Balfour to declare his (Chamberlain's) willingness to 'serve *under* him.'

"With the exception of Hicks-Beach there was no one who contested Chamberlain's strongly-pronounced opinions, and this opposition was weakened by the tendency Hicks-Beach had to oppose most of the views of his colleagues. Then events favoured Chamberlain's predominance. Early in 1899 the South African question became acute, and of course, as Colonial Secretary, he had to deal with it. I give him full credit for desiring to maintain peace. The whole Cabinet wished to do so. Certainly Chamberlain gave a more complete adhesion to Milner's views than some of us did, but until July the probability of war was regarded as remote. As soon as war was proclaimed on October 10, 1899, much had to be left to the care of the Colonial Secretary, but on all important matters he consulted his colleagues.

"Our policy was governed by two prominent considerations—(1) to protect the British flag in South Africa, so as to secure its predominance, and (2) to avoid war. For myself, I made the latter the principal consideration, but at last I was convinced that the Boer Government meant war. Whilst we were still engaged in endeavouring to find means to escape from war the Boers proclaimed it.

“ In one sense we were unprepared for this war. Our army had been made on a peace footing, and the War Minister and the Chancellor of the Exchequer, as well as the Colonial Secretary, deprecated any increase of our military establishments during the spring and summer of 1899. To have effected such increase would have alarmed the Boers, and interfered with our hopes of peace.

“ We also had no information which caused us to think that our existing establishments were insufficient for the purpose of overcoming the Boer resistance. It must be admitted that our Intelligence Department greatly underrated the strength of our opponents in South Africa. In October 1899 Queen Victoria placed in my hands a memo. from the Intelligence Department giving the Boer strength as 31,000 fighting-men. Certainly the true figures exceeded 80,000. It was very difficult to arrive at the actual fighting strength of the Boers. They wore no uniform, and many were intermittent in their service under the flag—then the foreigners volunteering for service and the Cape rebels were an uncertain quantity. De Wet at the Vereeniging Conference, May 1902, puts the Burghers proper at 48,000, probably a low estimate. Great excuses can be found for the Intelligence Department. For years the Boers laboured to deceive us as to their real strength. . . . The leading men amongst our Generals certainly under-estimated the strength of the force we had to encounter. Sir William Butler indeed gave some warning that we were under-estimating the Boer forces, but all his sympathies were with the Dutch, and his political bias was most unsatisfactory.

"The war absorbed the attention of everyone, both in the Cabinet and amongst the public, and great strength was given to the Government by the conduct of the portion of the Opposition led by Sir H. Campbell-Bannerman. There is no doubt but that their expression of sympathy with the Boers tended to prolong the war, and the British public strongly resented this pro-Boer policy of the Radicals. This was fully recognized by the supporters of the Government in the House of Commons, and during the spring of 1900 strong representations were made to members of the Cabinet that a Dissolution should take place. Assent was given to this view, and the discussion arose as to the date when Parliament should be dissolved. As no election seems to be permissible during harvest-time, the months of July and October were the alternatives offered. Mr. Chamberlain preferred July, but the majority selected October, and I am sure we were right. A Dissolution in July would have rendered the Session barren of legislative result and the public would probably have resented such astute party tactics.

"The Dissolution was formally announced during the latter portion of September, and the elections took place during October 1900.

"I was in attendance at Balmoral during the early days of the elections. . . . The results commenced to arrive about 10.30, and were at once sent in to the Queen when in the drawing-room after dinner. She directed that they should be handed to me to be read aloud. The Queen took extreme interest in these returns, but although she had so expressed herself to me that I knew with what party her sympathies were, she never once uttered a word that would have informed the general company in the drawing-room that she entertained any political views.

"The result of the Dissolution was better than some of us had expected. It left the balance of parties unchanged—the Unionist majority being 130. After five years of office this was an unprecedented result.

" As soon as the elections were concluded and the strength of the Government ascertained, a movement was set on foot to reconstruct the Cabinet. I am quite sure that the movement did not proceed from Lord Salisbury. He knew nothing of the opinions entertained by members of the House of Commons, and he was quite content to maintain the Ministry without alteration. But the Leader in the House of Commons—Arthur Balfour—was not so content. He was in favour of reconstruction for the purpose of securing more efficiency in the House of Commons. To effect this object he determined to get rid of H. Chaplin (Local Government Board) and Sir W. Ridley (Home Office). He dismissed them both. . . . Both were acutely hurt, but made no complaint in public. . . . The Duke of Devonshire mentioned to me that it would assist Lord Salisbury if I and others placed our resignation in his hands, leaving it open whether we were re-appointed. I declined to take the suggested course; but I learnt afterwards that the Duke was requested to make this communication to me. I heard no more of the subject.

" Having got rid of two Ministers, Balfour proceeded to find their successors, as also for a third vacancy created by the resignation of Goschen. . . . His brother Gerald Balfour was appointed President of the Board of Trade, in succession to Ritchie, who became Home Secretary; and Selborne, who had married Lord Salisbury's daughter, became First Lord of the Admiralty, in succession to Goschen. R. V. Hanbury was appointed to the Board of Agriculture in place of Walter Long, translated to the Local Government Board. Thus four members of the Cecil family were in the Cabinet—Lord Salisbury, his two nephews and a son-in-law. . . . These new arrangements suggested the title of 'The Hotel Cecil' for the Cabinet. In addition to the above members of the family, Lord Cranborne—Lord Salisbury's eldest son—became Under-Secretary of State for Foreign Affairs, and later had a seat in the Cabinet."

CHAPTER XVII

THE LAST DAYS OF THE QUEEN AND THE REIGN OF KING EDWARD VII

"I was in attendance at Balmoral in May and October 1900.

"In May the Queen was quite as of old—very cheerful, and enjoying any anecdote or smart conversation according to her nature. The war engaged her mind almost entirely. She felt that there had been many mistakes made in South Africa, but she deprecated any inquiries that should make our defects apparent to the world. . . .

"During this visit an amusing incident occurred one evening after dinner.

"I told the Queen how one of her Lord-Lieutenants had summoned a county meeting to raise subscriptions in favour of the Soldiers' Aid Society. Wishing to be poetical, he intended to employ Rudyard Kipling's phrase, 'the absent-minded beggar,' when speaking of our soldiers. Unfortunately the Lord-Lieutenant (Lord Cork) became confused and spoke of 'the able-bodied pauper.' Four times he emphatically asked for assistance for 'our able-bodied paupers,' and was astonished that no one responded. The Queen, who knew Lord Cork well, was much amused.

"Shortly after she retired from the drawing-room I was summoned upstairs, and found the Queen, surrounded by the Princesses and her Ladies, standing in the doorway of her bedroom. She had tried to tell them the above incident, but had forgotten Lord Cork's phrase, 'the able-bodied pauper,' and so her tale had broken down. I had been sent for to supply the forgotten words, and when I did so she stamped her stick on the floor, saying, ‘That is it—that is it—able-bodied pauper,’ and laughed most heartily, and as I backed down the stairs I heard the assembled audience laughing also.

“Thus I found and thus I left the Queen in good health and spirits in May 1900.

“When I returned in October I found that the greatest change had taken place. The Queen had lost much flesh, and had shrunk so as to appear about one-half of the person she had been. Her spirits, too, had apparently left her. The Resident Physician, Sir James Reid, was absent when I arrived, but the Queen requested him to return. Upon his arrival he took a very optimistic view of the Queen’s condition, saying that she was suffering from indigestion, and that he could restore her to her usual health in a short time. But others thought differently and said so. The wife of the factor, Mrs. Forbes, was a great favourite of the Queen, who used constantly to take her afternoon tea at the factor’s house. Speaking of the Queen to me, Mrs. Forbes burst into tears, and said, ‘Ah, we shall never see our dear Queen again. Look how she has shrunk away—her neck has wasted to nothing.’ The Queen herself told me that she felt very weak and weary, but hoped to recuperate at Cowes. She ascribed her weakness to her visit to Ireland in the summer. ‘It was very hard and trying work,’ she said. ‘I had a great deal to get through, and I was so anxious that everything should pass off well. I am afraid it was too much for me.’

“Whilst from weakness she talked less than formerly after dinner, she was very sympathetic and more confidential than ever. She told me of her early life, speaking of the Prince Consort as ‘my husband.’ She had never done so before.

“The night before I left I told her of my going and asked for her commands. She said, ‘I wish you well and hope to see you again soon.' But that was not to be. I replied by asking leave to express my truest hope that her health would be restored to her. And then I parted from a great Queen and a great friend.

"Shadows come over these recollections of our great Queen. She had, I believe, some weaknesses, but I saw no sign of them. To me she was the great sovereign and the simple woman. Full of broad ideas of how her people should be governed, she certainly was a Conservative in her mode of political thought. She disliked any great change in the order of things, but she loved freedom and wished all her subjects to enjoy it.

"Probably there was no subject she felt so strongly upon as the securing to all creeds freedom from interference.

"In 1858 she declared to the nations of India that their religion should not be interfered with. 'Blessed as I have been by the consolations of my own religion, it will be my care that you shall never be deprived of yours.' Well I remember how emphatically she denounced any attempt to proselytize by means of General Kitchener's College in the Soudan. She said to me, 'That must never be. No missionaries should work there. What right have we to tell the Mohammedans that their religion is false? I have no right to judge whether it is or not. I know I have more Mohammedan than Christian subjects. They should and must be left alone.'

1901

"Shortly after Queen Victoria's death on January 22nd, 1901, the question of King Edward's Civil List was brought forward in the Cabinet. A memo. February 9, 1901, signed by Edwd. Hamilton, Esher and Spring Rice, had been circulated. A Committee, consisting of Lord Salisbury, A. Balfour, Hicks-Beach, Balfour of

Burleigh, Akers-Douglas and myself were appointed to consider the matter and report to the Cabinet. . . .

"Hicks-Beach produced a proposed Civil List. I thought it represented too small a sum in respect of certain items, and so contended. We sat late, and it was arranged we should meet again. I heard no more of the matter until in about ten days' time Hicks-Beach informed the Cabinet that he had submitted a proposed Civil List to the King, who had agreed to it. This was substantially the list produced to the Committee, but which had not been agreed to and certainly had not been reported on. I asked specifically if the King had agreed to follow the example of Queen Victoria and pay Income Tax upon the amount he received. Hicks-Beach curtly replied, 'Yes, he has, and he is perfectly satisfied with my proposition.' I felt I could say no more, but I thought (and I am certain the majority of the Cabinet concurred) that the sum proposed was too small, and that a larger amount could have been carried through the House of Commons. Two reasons would have caused even the Radical members to act liberally towards the King. (1) It was hoped and anticipated that the King would show much hospitality and be very accessible to the people; (2) great satisfaction was felt that no application was made to Parliament to discharge any debts incurred by the King before coming to the throne.

"The King's consent to this moderate Civil List having been obtained, it was approved by the Cabinet and communicated to the Leader of the Opposition, who agreed to support it. A Committee of the House of Commons, appointed to consider the proposal, agreed to it almost unanimously. But after the discussion upon the subject in the House of Commons, Hicks-Beach informed the Cabinet that the King objected to pay Income Tax upon the amount to be received by him. Beach also stated that the King had specifically consented to this payment when the Civil List was submitted to him for approval, and that he, H.-Beach, had used this intended payment as an argument to secure the support of Harcourt and C.-Bannerman—which probably would not otherwise have been obtained. Anxious as I was to secure a better result for the King, I felt it almost impossible to resist this second argument. Upon mentioning the subject afterwards to F. Knollys, he said Hicks-Beach was to blame in not having explained the matter in the first instance more fully to the King. But he did not deny that the payment had been assented to, though he emphasized that the King had not fully understood the position.

"One other question arose in relation to the Civil List. Under the Prince of Wales' Children's Act of 1886 a sum of £36,000 per annum was paid to the Prince of Wales for him to divide as he thought proper amongst his five children. This payment ceased on his accession, and in the estimate for the Civil List £18,000 annually was allotted to the King's daughters. In the Cabinet Hicks-Beach almost surlily said, 'Following precedents, this money should be divided and £6,000 given separately to each of the Princesses.' I had reason to know that this would be regarded as inequitable. The Princess Louise's husband, the Duke of Fife, was possessed of an enormous income—far exceeding his expenditure. Under the guidance of Lord Farquhar he had by sale of land and very remunerative investments greatly increased his revenues. . . .

"But Princess Charles of Denmark was married to a husband whose income was said to be only a few hundreds, and the King naturally would wish to have the power of apportionment according to the needs of his daughters. Knowing this, I argued that the principle of the Act of 1886 ought not to be departed from, and that if it were, the income of the Princess Charles would probably be diminished. But Hicks-Beach would not give way—neither would I—and so the sense of the Cabinet had to be ascertained. It was in favour of my view—and so the matter was determined.

" After Queen Victoria's death, in the autumn of 1901, I went as the first Minister in attendance after the King's arrival at Balmoral. During dinner on the evening of my arrival he said, 'I wished you to be the first Minister in attendance, because I thought *she* would have wished it to be so.'

" Some changes in the habits of Balmoral were effected. The dinner was half-an-hour earlier and the King sat in the middle of the table, whilst Queen Victoria sat at the head of it. 'I sit here,' said the King, 'because my father always did so.'

ABERGELDIE MAINS,
BALLATER, N.B.
13th September, 1901.

MY DEAR LORD JAMES,

The King writes to me that he thinks the letter which you wrote to me in regard to the taking over of the Imperial Institute is a " very satisfactory " one, and he is quite satisfied with your explanation as to the delay which must necessarily take place before the Building can be actually handed over to the Board of Trade. In the meanwhile he has told me to write to the Duke of Cornwall to ask him from H.M. to preside at the meeting of the Governing Body in November.

Yours very sincerely,
FRANCIS KNOLLYS.

The King says he is astonished at the vigour which the Lord Chancellor showed at golf at Homburg.

THE ATHENAEUM,
PALL MALL, S.W.
July 11, 1902.

DEAR LORD JAMES,

I have this morning handed my seals of office to His Majesty. I have done so a few days earlier than I had intended, on account of the arrangements that have been made for H.M. by his medical attendants. In severing official links that bound me for seven years, allow me to express my deep sense of the use of your counsel and guidance which I have enjoyed during that time, and to thank you warmly for your kind assistance and support to me.

Believe me,
Yours very truly,
SALISBURY.

10, DOWNING STREET,
WHITEHALL, S.W.
11.7.1902.

MY DEAR LORD JAMES,

I am sorry to say that increasing incapacity to bear the fatigue of office has compelled Lord Salisbury to resign. The King has asked me—and I have undertaken—to be responsible for the formation of a Government. I very much hope this will be agreeable to you.

Yours sincerely,
ARTHUR JAMES BALFOUR.

"My membership of the Cabinet came to an end in August 1902. My resignation came about in this wise.

"In the month of July Lord Salisbury tendered his resignation of the Prime Ministership, and it was accepted. Every one of Lord Salisbury's colleagues knew that, in the public interest, it was absolutely necessary that he should retire. He had been a very considerable Minister, but time had told upon him—his health gave way, his memory failed him, and his public utterances were lamentable both in matter and delivery. Upon resigning, he sent me a very generous acknowledgment of my services as a colleague.

" Immediately upon accepting Lord Salisbury's resignation the King sent for Arthur Balfour and commissioned him to form a Ministry. Upon leaving the King the new Prime Minister proceeded in a cab to Chamberlain's private residence and told him what had occurred. Late in the afternoon he had to meet the Duke of Devonshire on the subject of the Education Bill. After a long discussion on the clauses of the Bill, and as the Duke was leaving the room, Balfour said, ' Oh, by the way, the King sent for me this morning and asked me to accept the Premiership, which I have done.' ' Oh,' said the Duke, and left the room.

" About a fortnight afterwards I had to travel with the Duke from London to the Solent in order to attend a Council on board the Royal yacht. The Duke had two interviews with the King, one before and one after luncheon. During the return journey the Duke spoke very freely upon the way he had been treated. He had been offered the Prime Ministership in 1880, and again in 1886 Lord Salisbury had offered to serve under him. He also had saved the country from Home Rule by his action in 1886. It must also be remembered that he was the intimate friend of the King. They had constantly associated together, and on the death of Queen Victoria the King's numerous race-horses were temporarily transferred to the Duke, involving a considerable money loss.

" Yet, when a new Prime Minister had to be appointed, the King not only did not consult him, but made no communication to him either directly or through Arthur Balfour. Yet, when the new Prime Minister called the party together at the Foreign Office, the Duke sat by his side and tendered a most generous allegiance in words that touched everyone. Yet no word came from the

King, until at the first interview on board the yacht, to which I have above referred, the King said, ‘ I hope you think I did right in sending for Arthur Balfour. I really could not do otherwise—do not you think so ? ’

“ The Duke gave a cold, almost formal, acquiescence, which apparently struck the King, because he gave the Duke the second audience after luncheon, and then expressed himself as being most grateful to the Duke for having supported the new Prime Minister.

“ All these things the Duke told me, and then spoke very warmly, although temperately, about the way in which he had been treated. I certainly could not do other than agree with him, and so said. The Duke’s complaint was not that he had not been made Prime Minister, but he felt that if it were necessary to pass him over, his unique claims might have been courteously recognized.

“ I said nothing to the Duke about my own position, but I fully recognized the situation. Arthur Balfour wished to make changes in the Ministry. He wanted new and young blood. Chamberlain desired that his son Austen should come into the Cabinet. The demand was reasonable, but if acceded to there would have been six Liberal Unionists in the Cabinet—certainly an undue proportion in relation to the strength of the parties. I was seventy-four years of age and not filling an office in which I could render much service to the State. So when I had heard from the Duke, I at once determined upon the wisest course for me to pursue. I could have made a strong case for the retention of my office . . . but I determined that I would voluntarily and cheerfully relinquish office. I wrote to him, and asked him to convey my wishes to A. Balfour. The reason I gave to the public was a true one—I stated that I was acting under medical advice in placing my resignation in the hands of the Prime Minister—and so I was. At this time I was suffering acutely from insufficient circulation of the blood around the heart. I could not walk fifty yards or speak for five minutes without great pain. Sir Thomas Barlow begged me to 'lighten the ship,' and so I did.

"I desired to remain on good terms with Balfour, and asked to see him in order to arrange for the announcement of my resignation. We met in his room at the House of Commons, and he said, 'No one but a real good fellow would act as you are acting—but then you are the best of good fellows.'

"I then wrote to the King, and in reply received a letter.

H.M. Yacht Victoria & Albert,
Cowes,
August 5, 1902.

My dear James,

It is with deep regret that I receive your letter this morning announcing your intended resignation of the Chancellorship of Lancaster, but I fully understand and appreciate the reasons which have forced you to take this step.

I am glad to have this opportunity of tendering you my warmest thanks for the long and valuable services you have rendered to the Crown and Country. Having had the pleasure and advantage of knowing you for so many years (it was at Strawberry Hill, through Lady Waldegrave!), I am in a position to know how great those services in so many different positions have been!

Your great support to me in the many difficulties we had to contend with relative to the Imperial Institute I shall never forget.

Hoping that you will live to enjoy many years of your well-merited rest,

Believe me,
Yours very sincerely,
Edward R.

The Lord James of Hereford,
etc. etc.

"A few days after came through Balfour an offer to confer the Grand Cross of the Victorian Order upon me—which of course I accepted. When I attended to deliver up the seals, the King held my hand for some time and spoke most kindly. I could say but little, for I was choking a good deal.

"When Parliament reassembled I attended the sittings of the House of Lords in December 1902, took my seat immediately behind the Ministerial bench, and supported the Government in every way I could. . . ."

40, Prince's Gardens, S.W.
August 8, 1902.

My dear James,

We have worked together so long—both in and out of office—sharing good and evil political fortunes, that you will allow me to say how sorry I am that our official partnership is to be dissolved.

Personally I am a little inclined to envy your well-earned rest, but although I should like to join you I think there are special reasons why I should go on a little longer.

The old order is passing away, however, and the younger men must have their chance.

You can look back with more than ordinary satisfaction to the last 16 years. You sacrificed more than most—perhaps than any—for your opinions, but you have lived to see them successful and to take your full part in making them so.

That is worth living for and pleasant to remember.

Believe me,
With the greatest regard,
Yours very truly,
J. Chamberlain.

4, Ennismore Gardens, S.W.
August 8, 1902.

My dear James,

I cannot tell you how much I feel your leaving the Cabinet.

Although we have not been in that particular field of occupation so long together, we have been running neck and neck together all our lives and it seems to me to be a severing of very ancient and I need not say much matured ties that you should be going. We have been lifelong friends, and I am sure it is literally true to say that no cloud—not even a little one—has ever overshadowed our friendship.

We have often been opposed both professionally and politically, and it is something to say that for half a century of professional and political conflicts we have continued to be, and I am sure will still continue to be, real and sincerely attached friends.

I am sorry for the Cabinet, wherein your counsel and guidance have often been of no ordinary value, I am more sorry for myself. . . .

With great regret and most sincere, may I say affectionate, regard,

I am,
Most truly yours,
Halsbury.

22, Grafton Street, W.
August 8, 1902.

Dear J.,

You know what I feel at the announcement that you find yourself unable to take the part you have so long and so worthily filled in public affairs. No variation in political life has ever altered the deep affection I have felt for my earliest friend and companion whose worth I have so truly appreciated and whose lifelong friendship I have so deeply valued.

I hope we have both some little space in which we shall still enjoy our mutual affection.

Your affectionate friend,
W. V. HARCOURT.

SANDRINGHAM,
December 27, 1902.

"Now that the arrangements connected with the transfer of the Imperial Institute to the Board of Trade have been satisfactorily concluded, I am commanded by the King to express his warm thanks to you for the judgment, energy and zeal which you have shown, as well as for the trouble which, he fears often at considerable inconvenience to yourself, you have taken, in connection with the affairs of the Institute since you were invited by His Majesty to fill the post vacated by Lord Herschell's lamented death. I can assure you that His Majesty sincerely appreciates all that you have done, and he justly attributes the success which has attended the concluding years of the Imperial Institute to you, and to Sir Frederick Abel, whose loss he so deeply deplores.

The King would be glad if you would express his grateful acknowledgments to the members of the Council, and His Majesty would wish to add that it has given him unbounded satisfaction to hear that the funds at the disposal of the Council have allowed them to grant to some members of the Staff one year's salary and to others a gratuity.

Yours sincerely,
KNOLLYS."

Lord James's Closing Years.

THE CHAMBERLAIN FISCAL POLICY OF 1903

"*June* 1903.

"The first direct public intention of Chamberlain's Protectionist action was made known by him in a speech at Birmingham on May 15, 1903. He then announced that a preferential tariff ought to be given to the Colonies, and that he intended to submit that policy to the constituencies.

"I learnt from one of the Cabinet that he had previously raised the question in the Cabinet. After his return from South Africa the Budget was considered. The Chancellor of the Exchequer—Ritchie—proposed to take off the 1st Import duty on Corn imposed in 1902. Chamberlain objected, and intimated that he wished to retain this duty in order to give Canada some reciprocal advantage. Ritchie, who is a sincere Free-trader, remained firm, saying that he would resign sooner than consent to any preferential tariff. Chamberlain then said he would not object to the repeal, if his right to re-open the whole question—involving the imposition of a higher duty—were reserved. The Cabinet agreed to this compromise.

"This Birmingham speech attracted much attention, and on the motion for the adjournment of the House (on May 28) for the Whitsun Recess, attention was called to it by Sir C. Dilke and others. The Prime Minister made a temporising speech, saying circumstances had changed since Free Trade was accepted, and that inquiry was desirable. I believe Chamberlain had intended to remain silent, but was so attacked, especially by Lloyd George, that he sprang to his feet and spoke out frankly enough. He went the full length of declaring himself strongly in favour of Colonial preferential tariffs and admitted that in order to establish them we must put a duty upon the importation of corn.

"This declaration raised the issue before the country, and the demands for Ministerial Inquiry became ridiculous. In the meantime I had to a certain extent been drawn into the contest. For some years Mr. Powell Williams, Mr. H. T. Anstruther and I had managed the affairs of the Liberal-Unionist Associations. Attending a meeting of this Committee on May 27, I learnt by accident that a circular had been issued to the different Liberal-Unionist provincial Associations, offering to provide copies of Mr. Chamberlain's Birmingham speech for nothing. I vehemently protested against this being done, and it was agreed that the Duke of Devonshire, the President of the Association, should be consulted. I saw the Duke on the morning of the 28th, and he agreed to write to Chamberlain, telling him that it would avoid friction if all his literature were issued through his own Birmingham branch instead of by the central office. The Duke so wrote, and Chamberlain assented, but asked for a meeting of the Committee with the Duke and himself.

"The Whitsun Recess and the Ascot races caused some delay, but the meeting took place on Saturday, June 20. It was very interesting. I had not seen Chamberlain since August 1902, but when he now came into the room, without a word of greeting, he exultantly waved his hand above his head, shouting, 'It is going gloriously, magnificently—nothing can be better. I am winning all along the line. Have you seen the *Daily Telegraph* figures?—they will floor you, I think.' I then reminded him we had not met for some time, and the Duke coming in, we sat down to business. Chamberlain then expressed his desire to maintain the Liberal-Unionist Associations intact, and he felt he could only do that by preserving neutrality. He offered joint editorship of literature on both sides, and after some discussion this was accepted. Chamberlain then produced a manuscript covered with figures, and rolled them out at the Duke and myself. I replied to him as well as I could, and refused to accept his arguments, which did not impress me much. He was very excited, and I thought him looking very ill physically and somewhat unsteady mentally.

"I understand that J. C. has succeeded in obtaining the support of all the Cabinet except the Duke of Devonshire, Lord Balfour of Burleigh, Lord Londonderry, George Hamilton—who is afraid of the effect of the policy on India—and Ritchie. Brodrick is doubtful. Lansdowne was supposed to be a Free-trader—he is a member of the Cobden Club—but a speech he made in the House of Lords on its meeting after the recess, Monday, June 15, disappointed all Free-traders, for in it he made a strong declaration in favour of a retaliatory action against Germany. As he made no reference to the taxation of food, as soon as he finished I said to Lansdowne, 'Your neighbours in Wiltshire would, I fancy, have wished to know the views of their Lord-Lieutenant on the taxing of food.' 'Ah,' he replied, 'it was more convenient to be silent on that subject.'

"I have thrown myself heart and soul into the fight against J. C. Hicks-Beach, Goschen and Northbrook meet in my room at the House of Lords to consider our action. I communicate with H. Hobhouse and A. Morrison, as representing the House of Commons Unionist Free-traders, and I have no doubt we shall agree upon joint action. But the relation of the Unionist to the Radical Opposition is very difficult to regulate. A few nights ago I met H. H. Asquith at dinner, and he suggested some sort of alliance. I said I would consult and inform him of the result. The men I mention above are strongly of opinion that the Nonconformists and our Churchmen would never join hands, even to save Free Trade.

"I also had a talk with Rosebery, whom I met in the Lobby. He also approached co-operation, and I intimated the great chasm the Education Act had created could not be definitely bridged over. Each locality must deal with the question of candidates for itself.

"Yesterday (Thursday, June 25, 1903) I saw Powell Williams at the L.-U. Ass. Office. He is acting as Chamberlain's principal backer, but he volunteered to me that he thought J. C.'s task was a much bigger one than he anticipated, and expressed great doubts upon his being successful.

"Last night I met George Hamilton at dinner. He and I always agreed in the Cabinet, and he spoke out very freely to me. He, as a Free-trader and Minister for India, is bitterly opposed to Chamberlain's policy and spoke out almost furiously against him. He said it was most humiliating that they should continue to act together. I begged him not to resign (that is what Ch. would wish)—at any rate not without the Duke and the other Free-traders going out also.

"*July* 9.

"In conjunction with Goschen, Hicks-Beach and others I have been working hard, organizing against Chamberlain's Protection schemes.

"On Saturday, June 27, I attended a small meeting of Unionist members of the House of Commons who are supporters of Free Trade. Hicks-Beach presided and Goschen was present. Lord Hugh Cecil and Winston Churchill were the most representative members present. We arranged that a meeting of the Unionist members who support Free Trade should be held on the ensuing Wednesday, July 4. It was so held—fifty-four members attended, some of them representative men of business. Hicks-Beach made a very telling speech.

"The Committee formed by these members and our Liberal-Unionist Free-traders are separately preparing and distributing Free Trade literature.

"On Tuesday the 7th July, 1903, a great operatic performance was given in honour of President Loubet. Between the Acts the King came into an ante-room where several Cabinet Ministers were. Speaking to Balfour of Burleigh about a Motor Regulation Bill, he said, 'You are quite right; tax motors—tax the rich, but never the poor.' 'Especially their food, I hope, Sir,' somewhat bluntly interposed Ritchie (Ch. of Exc.). 'Yes, yes, never tax the poor man's food. I will never give my assent to a Bill taxing necessary food, and I do not care who knows that I have said so.'

"As he walked away the Duke of Devonshire quietly said, 'Very good. We must send him on the stump.' The Duke is strongly opposed to Chamberlain's policy.

"Yesterday (July 8) A. J. Balfour, speaking to Sir Francis Mowatt, the chief Treasury permanent official, who brought him some figures relating to the taxation of food, said, 'Never mind those figures. That question may be put on one side.'

"If import duty on food is abandoned, preferential Colonial tariffs must be abandoned. Probably Chamberlain will fight on for retaliatory tariffs alone, but if he abandons the Colonial case he will be much discredited."

DEVONSHIRE HOUSE,
PICCADILLY, W.
July 15, 1903.

MY DEAR JAMES,

Is not this question of the alleged decline of Exports as compared with Imports immensely important, and is it not in fact the sole foundation for any impeachment of the existing system?

I do not think that Chamberlain can point to any proof that we are going back, except that the *Exports* of some of our manufactures are declining.

But if we can export enough to keep up our *Imports* what does it matter? If our Iron and Steel exports diminish, it may be made good either by increased home consumption of Iron and Steel, or by manufacturing something else either for home or foreign consumption.

I should not myself be much surprised if the whole thing had not been very much exaggerated on both sides, and that as at present limited, it would have neither the disastrous or beneficial results that we expected from it.

Yours very truly,
DEVONSHIRE.

Seacox Heath,
Hawkhurst,
15 *Aug.*

My dear James,

I was sorry not to see you when I was in town. On Wednesday evening (before the Cabinet) I had a long and serious talk with Devonshire. *Inter alia* he told me that he expected that the Cabinet would hang together beyond September, the members of the Cabinet speaking independently if they like. I said: "Then of course *you* will have to speak." He did not assent to this very fully, only saying, "I expect the other Free-traders would." I told him it was absolutely essential that *he* should make the necessary declaration. Otherwise, it would be held that the real Cabinet were with Chamberlain. We shall have to *make* him speak, if he shows any signs of hesitation, hesitation not due to doubt as to the point, but to his reluctance to make speeches, I think.

. . . Balfour is alarmed at the prospect of our being left without any markets at all. That is his point. He fears that every country will be driven to protection, *e.g.* China, Argentine, the remaining neutral markets, and then, where should we be? This is one of the arguments which will have to be dealt with.

Devonshire's cautious common sense is scarcely a match for Chamberlain's unscrupulous enthusiasm.

Yours very sincerely,
Goschen.

"In the autumn I went to Balmoral as a private guest. The Ministerial crisis had just occurred, or rather, was in progress. Balfour of Burleigh had actually resigned, but his resignation was not formally accepted as he was Minister in attendance. A. J. Balfour came on a visit, and there naturally was some awkwardness. Francis Knollys told me that he met A. J. B. at Ballater station and conveyed to him the King's hope that Balfour of Burleigh might withdraw his resignation and be allowed to remain on in the Ministry. 'That is impossible—it cannot be,' was the reply. I have no doubt but that Chamberlain insisted upon all the Free-traders except the Duke (too valuable) leaving the Cabinet.

"*Nov.* 30.

"Much has happened during the past four months. Of the events of a public nature I need make no record.

"From private sources I learnt the particulars of the September resignations. The Cabinet met on Monday, September 14. The debate on Fiscal Reform was formal and on the part of some almost acrimonious, Ritchie especially strong in his expression towards Chamberlain's policy. The Duke raised his doubts in the form of interrogations, whilst Balfour of Burleigh and George Hamilton expressed very strong views in favour of Free Trade. Chamberlain's letter of September 9 was not hinted at, and his expression as to what he might do if preferential tariffs were not established was put on one side by all the members of the Cabinet.

"After a long sitting, the four Free Trade members of the Cabinet met and agreed to resign. There was a short Cabinet on Tuesday, September 15, at which the Fiscal question was not mentioned. Upon its conclusion the four Free-traders again met and produced their letters of resignation. The Duke's was so ably framed that Balfour of Burleigh said to him, 'You must let me have a copy of that letter in order that I may use it as a model of literary composition.' Most certainly there was an informal agreement that all four should resign. Balfour of B.'s letter could not be sent in at once as he was Minister in attendance at Balmoral. The other three letters were sent to the Prime Minister. They certainly were written in ignorance of Chamberlain's resignation.

"I am quite certain that as to three of the resigning Ministers, not only was it intended to accept their resignations, but they were doomed. If they had not resigned they would have been turned out. But the Duke's value was too great for him to be thus treated, and it was determined to bid high for his continuance in the Government. During the afternoon of Wednesday, September 16, Arthur Balfour called on him at Devonshire House, and had a long interview. The result was that the Duke agreed to remain in office. The subject of this interview has been a delicate one between me and the Duke. In a conversation before Parliament was prorogued, and in his later letters, he had treated Balfour's policy as impracticable. . . . And he told me more than once that he could not continue in the Government if it were persisted in. One particular conversation I had with him two days before the prorogation. I told him that which I had reason to know—that if the Government broke up the King would send for Lord Spencer. If in consequence of Lady Spencer's distressing condition, or death, Lord S. refused to form a Government, the King would in all probability send for him (the Duke). 'Too old—too old,' was the only reply; but it was said with a smile that did not represent refusal.

"I therefore have no explanation to give of this change of intention by the Duke. It certainly apparently lacked frankness and good comradeship towards his colleagues, and they all three so felt. The withdrawal of his resignation took them by surprise, which they all expressed to me. It probably was secured by an excess of loyal feeling towards the Prime Minister. 'I lose Chamberlain because he is a Protectionist—am I to lose you because you are a Free-trader?' was the argument employed by Arthur Balfour. Where the Duke certainly erred was in not seeing that if this argument was a good one, it ought to have been addressed to his three colleagues as well as to himself. But, as I have said, the fact that those three Ministers were Free-traders rendered them unsuitable colleagues for the Prime Minister, and yet the Free Trade views of the Duke were appealed to in order to retain him in the Cabinet. J. C. and A. J. B. could not afford to lose him. Certainly the Duke's resignation was withdrawn on the Wednesday, without those with whom he had agreed to resign being informed of it and without anyone being consulted by him—not even the Duchess, who was in Scotland."

DEVONSHIRE HOUSE,
PICCADILLY, W.
September 17, 1903.

MY DEAR JAMES,

I suppose you will d—n me and say that I have accepted an impossible *modus vivendi.* I had fully intended to resign until I heard that Chamberlain's resignation was definitely decided, which was not till Tuesday evening.

This removed my chief difficulty, which was freedom to Chamberlain as a member of the Government to carry on his Protectionist agitation.

And the position seemed to me to be absurd that both Chamberlain and I, who had been opposing him, should both leave Balfour. I believe that Finlay, who was, I think, the only man to favour a possible solution of this kind and whom I saw on Sunday, will think that I have done right, and will have no difficulty in remaining. Ritchie and B. of B. did not really resign, but were told that they must go.

I shall be curious to hear your opinion, however comdemnatory. What is to be done as to the L.U. Association? I suppose nothing, except to suffer some resignations.

Yours very truly,
DEVONSHIRE.

Compton Place,
Eastbourne,
October 5, 1903.

My dear James,

I have made a mess of this business, and have come out with some damage, but I suppose you are glad that I have got out at any price.

The fact is that the strain of the continuous discussions and interviews of Monday, Tuesday and Wednesday completely tired and wore me out, and when I had my final interview with Balfour on the Wednesday afternoon my mind was more occupied with the great change in the situation caused by Chamberlain's resignation, and with my personal relations towards Ritchie, B. of B. and G. Hamilton than with anything else. When therefore Balfour read me his correspondence with Chamberlain, or part of it, I altogether failed to grasp its full effect.

When I had read and considered it more carefully I became extremely uneasy, but I had made up my mind to stick to the ship and should have done so, but for the, to me, quite unexpected declarations in the Sheffield speech. It is, however, a great relief to me that the final declarations in the speech were so clear and decided (in my opinion) on the side of Protection that I had no alternative.

I suppose that now I shall be re-admitted into the fold of Free-traders.

I shall be in London on Friday, Saturday, Sunday and Monday morning, in case you are likely to be there.

Yours very truly,
Devonshire.

Compton Place,
Eastbourne,
October 7, 1903.

My dear James,

I have made so many mistakes lately, at all events in procedure, that I should not like to take any step, or send any message which could become public, without further consideration.

It seems to me that the first thing we have to do is to consider what is to be the course of the L.U. party, or of what remains of it, and of the L.U. Association.

But I suggest to you privately and personally that there does not seem to be any reason why Free Trade Unionists should be in a hurry about taking up an attitude hostile to the Government.

The position, which is singular in many respects, is especially so in this, that so far as I know the Government are not likely either before or during the next Session to take any step or propose any measure to which any Free-trader can object.

The present object of Free-traders seems to be rather to prevent the party from committing itself than to attack the Government.

Yours sincerely,
Devonshire.

Breamore,
Salisbury,
October 24, 1903.

My dear Balfour of B.,

Quite a scene at the F. Food Meeting yesterday.

It was a very good meeting, between sixty and seventy of our best Unionists present. All had come to welcome the Duke as President.

When he came in great ovation, but immediately Beach stood up and said that in his opinion the Duke ought not to be elected President until the new Constitution had been framed by the Committee and that therefore nothing but the election of the Organizing Committee would take place at the Meeting. Here was a pretty *impasse*. Men had come long distances, some of them, and everybody disgusted with the already long delay, wanting to get to work and demonstrate before the public.

It is no use rushing the Duke at his fences—so I thought of a canter round the field first, and suggested that "the Manifesto," which I knew the Duke had seen and approved of, should be at once considered. (Loud applause.)

This was done and no difficulties raised. Then said Beach, "This be the manifesto?" Agreed to. "And published at once," I added. Agreed to.

Then I was on hard ground for a take-off, so I made a stirring appeal to the Duke not to let the Manifesto go forth without weight of authority behind it. He approved of its contents. Was he going to disavow it by silence? We would promise to frame the Constitution of the Association as he wished. If too he wanted good association in publishing the Manifesto I would propose for Vice-Presidents the three Ex-Chancellors of the Exchequer—Goschen, Beach and Ritchie, and let these four names go forth to the public as representing the measure of financial authority within the League. Everybody in the meeting began to shout like maniacs. This was too much for the Duke, so without consulting Beach he yielded amidst yells of delight and so ended a remarkable scene. . . .

I presume Beach wished to bring this movement to an end before bringing the Duke into a responsible position. But it was very weak policy, and if the position had not been saved we should have come to much grief. . . .

Yours ever,
J.

FLOWERMEAD,
WIMBLEDON PARK, S.W.
January 30, 1904.

MY DEAR JAMES,

Thank you for your kind words about my book on Mr. G. I wonder if you ever really got to the very end. Its length is inordinate with a vengeance. You were one of the (rather few) men for whom Mr. G. had a true attachment. . . .

Yours sincerely,
JOHN MORLEY.

" *April* 1904.

"Subsequently to his resignation the Duke of Devonshire became confirmed in his Free Trade views and openly declared himself as a determined opponent of Protection.

" He made three speeches during the winter at the Queen's Hall, London—Liverpool—and at the Guildhall. They were excellent specimens of solid argument and contrasted most favourably with Chamberlain's inaccurate appeals. The effect of these speeches has been very great, and every Free-trader owes much to the Duke.

" In respect to his resignation the Duke gave an explanation in the House of Lords soon after the assembly of Parliament. It was very manly and apparently gave great satisfaction to those who heard him and to the public, but the only attempt at explaining the non-communication to his colleagues of his intended withdrawal was by saying that he learnt from A. Balfour that under no circumstances would they be allowed to remain in the Cabinet.

" Arthur Balfour also made a statement in the House of Commons. His difficulty was to deal with the fact that he did not inform the resigning members of the Cabinet that Chamberlain had, on September 9, written a letter of resignation. No adequate explanation of this silence was given. But both in respect of the Duke and the Prime Minister, the high position they hold in public estimation has shielded them from any severe criticism."

The Duke was much abroad in the summer, but scores of letters passed between him and James on the position of the Liberal-Unionist Association and L.U. candidates, the Duke "waiting to see."

LORD JAMES AT HIS DESK AT BREAMORE.

" *October* 5.

" I am more puzzled than ever as to what game A. J. B. and J. C. are playing, and I do not ever feel sure whether the speeches are made in collusion or not. I am rather inclined to think *not* and that A. J. B. intended to check the Tariff Reform movement, and that J. C. has not made up his mind, and will probably make himself unpleasant before long. But I do not feel in the least sure, and as, so far as I know, none of us have to make any more at present, we can do no harm by sitting still and waiting to see how the position develops. Yours very sincerely, D."

" *October* 21, 1904.

" I think your sketch of a new Constitution is on the right lines, and will form a good groundwork for the Committee which we shall have to appoint on Friday. Yours very truly, M. E. HICKS-BEACH."

" *April* 27, 1905.

" Hugh Cecil is very keen about the proposed declaration, but I remain extremely doubtful. Suppose Balfour and Chamberlain were to say ' Very interesting, but who asked you for your opinion ? ' and took no more notice of it ?

" I feel sure that nothing we can do will force Balfour to abandon his generalities, and if Chamberlain says he entirely agrees with him, where are we ? Yours very truly, DEVONSHIRE."

" *August* 3.

" I have great doubts whether at present speech-making is of much use. I believe the country is sick of the fiscal question. D."

This subject was varied by a theme from James on the King's title of Duke of Lancaster.

"*September* 9.

"I sent to the King your letter on the 'Duke of Lancaster' question, and I have received his answer to-day. He says: 'I have always imagined I was the Duke of Lancaster as the Sovereign of England. Queen Victoria considered herself so, just as the Heir to the Throne is 'Duke of Cornwall,' and I have no wish to give up my rights.' I gather from this that it would perhaps be advisable that you should refrain from entering into the fray! Yours very sincerely, FRANCIS KNOLLYS."

In October 1905 James went to Balmoral, following upon a last visit in 1903.

"On Saturday, September 30, I arrived at Balmoral, . . . and remained until the following Friday. Mr. Arthur Balfour was the Minister in attendance. Since I left the Government in 1902 I had seen but little of him, although when we met there was no lack of cordiality. Politically the views we entertained upon 'the Fiscal Question' were widely apart—as I was a whole-hearted Free-trader, opposed to all shades of Protection, whilst the Prime Minister appeared to many of us to be wanting in frankness, apparently caring only to avoid a direct pronouncement on Mr. Chamberlain's policy.

"The day before I left Balmoral . . . I talked to him on the main political subjects that interested me, and . . . Chamberlain's proposals. . . . He did not impress me at all, either in respect of his knowledge of the subject or of his realization of his position. . . .

"I told him that there were many of us sincere Unionists but who regarded the maintenance of Free Trade as of paramount importance, and that as the General Election was approaching we were very anxious that his position as Leader of the Unionist party should be rendered very clear and distinct, freed from ambiguity, for if this were not done we feared he would be regarded as hostile to Free Trade, and that therefore the Unionist party would greatly suffer. . . . Naturally the ordinary elector wanted to know very distinctly what his policy was. 'Chamberlain had said that he and you (A. J. B.) were in agreement upon principle, and this statement had not been denied.'

"In reply he dealt almost entirely with this last subject, speaking very warmly. 'Why am I always misunderstood? Cannot you and others see that I am always striving to keep the Unionist party together? I do not quarrel with your section of the party—why should I quarrel with Chamberlain? Cannot you help me to keep differences not vital differences in the background? Is not my Edinburgh speech enough for your section?'

"Finally I said that this would not do for the public; this was no doubt good *finesse*, but no more. If he intended to succeed, and to lead his followers to success, he must range himself either with Chamberlain or against him. And so we parted very good friends. . . ."

"*November* 13, 1905.

"Notwithstanding the protests made by the Duke of D., Goschen and myself, A. J. B., when speaking at Newcastle-on-Tyne to-day, appears to have deserted Free Trade. His speech was most unsatisfactory, especially to us Free-traders. He only begs us not to raise the question, and so would leave a free field to Chamberlain. This cannot be, and I shall do all I can to bring our forces into the field.

"*November*, 1905.

"During this month momentous events occurred which greatly affected the Unionist party.

"On the 12th a meeting of Conservative delegates was held at Newcastle. A very strong Protectionist resolution was carried almost unanimously. On the next evening, the 13th, Mr. Balfour spoke at a public meeting. Although the resolution of the delegates fully supported Mr. Chamberlain's view, the Prime Minister did not refer to it, but urged unity in the party—especially recommending that differences on the Fiscal Policy should not divide it. This suggestion appears to have been but coldly received. A few days after, Mr. Chamberlain spoke at Bristol and made in covert language a bitter attack upon Mr. Balfour's position. By the Press and everyone else it was regarded as a declaration of war.

" Two days after the delivery of this speech the *Times* and the *Daily Telegraph* announced—in apparently inspired language—the probability of Mr. Balfour's retirement.

" On Friday, November 24, a Cabinet Council was held, at which the intended resignation was virtually approved of, but action was adjourned for a week—the Cabinet meeting again on Friday, December 1, when resignation was resolved on. . . .

" *Sunday, December* 3, 1905.

" I wrote a strong letter to the Duke of Devonshire, urging him to open negotiations with Balfour, before he spoke at Manchester, and if possible to obtain assurances of his intention to oppose Chamberlain and to support Free Trade. In return we ought to offer co-operation with him. . . .

" On Thursday, December 7, 1905, I saw the Duke at Devonshire House and he showed me the draft of a letter he had written to A. J. B., offering to meet him in the hopes that some nearer approach between him and the Unionist Free-traders might be arrived at. . . .

" On Saturday, the 9th, A. J. B. addressed a meeting of his constituents at Manchester, explaining the reasons for his resignation. He did not mention Chamberlain and did not refer to his Bristol attack, nor to some most adulatory references J. C. had made to him in a speech delivered at Oxford the night before. No reference was made to the Fiscal question, and beyond saying that the dissensions in the party prevented any attempt to pass the proposed Redistribution Bill, the speech in no way dealt with the dissension existing in the party.

" . . . There is no tendency in Balfour to incline towards Free Trade, and so now, with the General Election immediately in front of us, we Unionist Free-traders have to go our own way. The exact position we must take up will have to be agreed upon and announced in a few days.

" For myself personally, I attach so much more importance to the cause of Free Trade than to any other consideration that I shall certainly be disposed to act to a great extent in concert with the Liberal party. I certainly shall do so in the House of Lords. . . .

" The new Government with Campbell-Bannerman as Prime Minister, now (December 13) nearly complete and ready for the election, is exceedingly well-selected, and is infinitely stronger, man for man, than the late Government. By the death of Lord Salisbury and the resignation of seven or eight of its most powerful Ministers that Government was the weakest that ever had charge of public affairs. . . Their successors are far more powerful men, and the public will certainly so regard them. . . .

" As soon as the resignation was resolved on, on December 1 (1905), it was known that a Dissolution would follow on the formation of the new Government. It actually took place on January 8, 1906. I did my best to induce the Duke of Devonshire to issue a strong Manifesto urging the electors to vote for Liberal candidates, but only partially succeeded. The address he issued was moderate and statesmanlike, but in my opinion not sufficiently specific in the advice given. And so, upon being requested by the President of the Lancashire Free Trade League to send him an open letter, I did so. I made it clear that I thought the conduct of the Tariff Reformers in evading the issue of Free Trade or Protection, and substituting Union or Home Rule was not fair fighting. I refused to take the field under a 'sham battle-cry.' The letter attracted great attention.

" 1906.

"*January* 13–18. At Sandringham. Very interesting visit. The first Poll of the General Election (Ipswich) took place on Friday, January 12. On Saturday the 13th many constituencies polled, including Manchester. The earliest telegrams announcing the results are sent to the Sovereign. Before we left the dinner-table on Saturday evening one telegram arrived—singularly enough, from my old constituency, Bury. Then an interval of an hour, during which the King, Lord C. Montagu, Mr. Leo Rothschild and I had been seated at bridge, in an inner drawing-room. A batch of returns were handed to the King, who read them out without showing the slightest sympathy with the results. Manchester first gave Winston Churchill's return. 'Now then, what do you say is Arthur Balfour's fate ?' he asked. 'Beaten, Sir,' I said. 'Yes, by 2,000,' and we all gasped, but said nothing. Every night during the next week the same reading of telegraphed results occurred, but with one exception, when the King expressed some satisfaction at a member's defeat, he showed no signs of possessing any political opinions. . . ."

1906

Indecision prevailed in the Conservative party after the debacle, and counsels were much divided. Mr.

Henry Fowler wrote critically to James that he was "sick of the twaddle of the defeated and their pretended reasons for their thrashing." He held that "first and foremost and above and before all other issues the verdict is a national one against Protection in every shape and disguise," and that any attempt to reconstruct the party on "the fallacies and delusions of Chamberlain would prove a disastrous condemnation."

The relations between Balfour and Chamberlain were uncertain. In February James noted: "The greatest interest has during the last three weeks centred in the relations that have existed between Balfour and Chamberlain. The latter's letter to Lord Ridley pointed to separate action from Balfour. It was a very carefully-considered letter, and alterations were made in it after it had been sent to the Press. Some of the newspapers made the desired alterations—some did not. Then came a dinner at Chamberlain's. The party consisted of A. J. B., Mr. and Mrs. Austen Chamberlain. The Duke of Devonshire was informed by one who was very intimate with Balfour that the party remained together, including Mrs. Chamberlain, until one o'clock. . . . The party then broke up—no terms being arranged. But negotiations were resumed, and the letters of Feb. 14 were the result. Without doubt A. J. B.'s letter contains a surrender to Chamberlain."

But during July Mr. Chamberlain was seized with severe illness and all public engagements had to be unfulfilled. The position was changed, and James noted: "During August and September I spent some five weeks in Scotland. I met A. J. Balfour at North Berwick and at Gosford. We talked upon political subjects. I asked him if he and Lansdowne were in communication in respect of the action of the House of Lords in the coming session. He said 'Yes.' We agreed (A. J. B. and I) as to striking out Clause 4 of the Trade Disputes Bill. . . . He pressed me strongly to visit him at Whittinghame, apparently quite forgetting or forgiving all the political criticism I had applied to him."

The lines of argument were diverted to the Trade Disputes Bill, and the action which ought to be taken on a subject which is still a subject of controversy.

"Devonshire House,
"Piccadilly, W. 1.
"*Nov.* 13, '06.

"My dear James,

"This is a pleasant party to be associated with in opposition. You are furious with the leaders on account of their opposition to the Education Bill, and to a minor extent with me for the support which I am giving them, while I am getting myself disliked because I have drawn the line at some of their amendments. You are still more furious with the Opposition leaders because they will not go to extreme lengths in opposing the Trade Disputes Bill which, however bad, is certainly popular with the mass of working men, and would undoubtedly be endorsed by a great majority if there was another General Election upon it.

"Yours very truly.
"Devonshire."

"Seacox Heath,
"Hawkhurst.
"13 *Nov.*

"My dear James,

"I was surprised indeed to read Balfour's 3rd reading speech on the Trade Disputes Bill after all that had previously happened. But there is force in the argument that if a great industry will not make itself heard, it cannot expect to have the chestnuts pulled out of the fire for it. I am disgusted with the great interests. . . . No employer stood up for his class and none seemed to have bestirred themselves to avert the threatened ills. . . . I feel much inclined to denounce those who absolutely refused to fight. It almost looks as if they didn't care.

"Yours sincerely,
"GOSCHEN."

The Bill became an Act, and 1907 opened with a letter from the Duke of Devonshire definitely stating that he at least would wait and see.

"CANNES.
"*Jan.* 3, 1907.

"MY DEAR JAMES,

"I do not propose to come back for the opening of Parliament, but I shall be ready to return as soon as anything of interest comes on. The Speech will not contain anything definite about Home Rule, and I do not see how it will be possible to say more than that we must *wait and see* what their actual proposals are. Anyhow I see no object in dragging the Fiscal proposals forward. If the Government proposals amount to Home Rule I shall oppose them as well as I can.

"Yours very truly,
"DEVONSHIRE."

And on April 3rd:

"I went to the Durdans yesterday and had a long but inconclusive talk with Rosebery about politics. He evidently thinks that he and I ought to do something with the object of forming a third party, but it is all very vague.

"Yours very truly,
"DEVONSHIRE."

James immediately replied: "As to Rosebery I venture to suggest that any joint action between you and him is, under present conditions, impracticable. He still claims to belong to the Liberal party, and his line of action will be to bring Liberals out of the Orthodox party in opposition to a Home Rule proposal. You have left the

Liberal party and could not make any such appeal to its members as you did in 1886. Is not the best way to wait and see what are the Home Rule proposals, before determining what course you will take?"

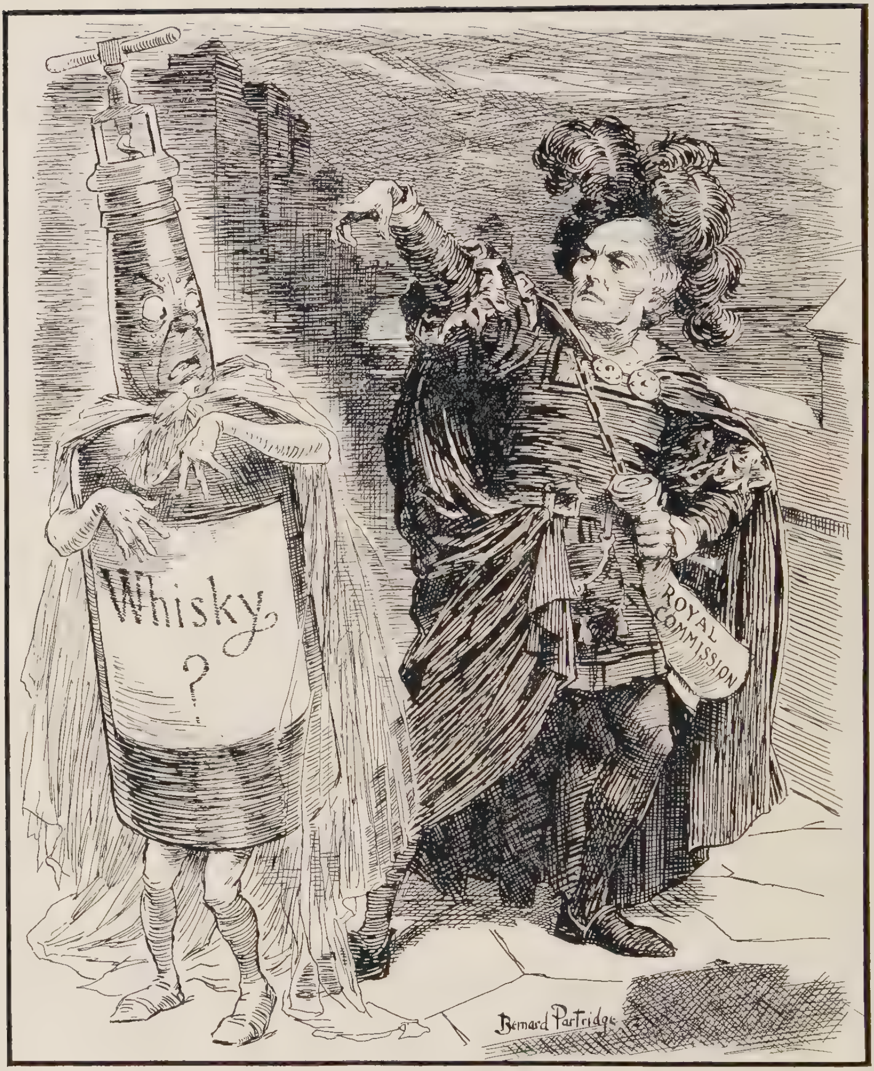
Lord James was now in his 79th year and spent most of his time at Breamore, where, accompanied by a beautiful sheep-dog called "Don," given to him by Lord Burton, he liked to play a round of golf, or walk through his coverts and discuss pheasants' eggs. He would read dozens of papers, play a game of cards, entertain guests and bubble out anecdotes, if the phrase may be used, with the same inexhaustible zest as had always been his wont. He could change from a serious political or business letter to a conversation with a child, and found the second care as engrossing as the first, not that he forgot the first care, or would not quickly return to it at the right time. Conversation with a child was really interesting to him. He loved to have children staying with him, particularly the children of old friends like Lord Herschell and Lord Knollys, and he loved to give presents to youngsters, as to Prince Olav on his fourth birthday.

"CHRISTIANA.
"*July 3rd*, 1907.

"DEAR LORD JAMES,

"What an extremely kind thought of yours to have sent my little Olav such a *beautiful* hunting-whip for his birthday. It was his one great wish to have a whip for his very own, and he was wild with delight when I gave him your charming present and begged me to thank 'the kind Englishman!' He used it the whole day, and was most proud of himself. I want now to thank you a hundred times for my little son's sake, and think it so touching of you to have thought of the child's birthday when you must lead always such a busy life.

"Believe me,
"Ever yours most sincerely.
"MAUD."


Whisky
?
ROYAL COMMISSION
Bernard Partridge

WHAT IS WHISKY?

Lord James of Hereford (*Chairman of the Royal Commission on Whisky*):—
"Be thou a Spirit of health or goblin damn'd . . . . . .
Thou com'st in such a questionable shape
That I will speak to thee." —*Hamlet: Act 1. sc. 4.*

[PUNCH: Feb. 26: 1908.

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This was but a typical instance, a continuance of the birthday gifts he had given to Queen Maud herself. Children liked him and made friends at once. He kept a store of small trinkets suitable for children, or bestowed unexpected gifts of things of which he discovered some child particularly dreamed.

Although busy during the summer in raising a Women's Association against the suffrage, James was strenuous in support of the Deceased Wife's Sister Bill, which became law.

"You must, I think," wrote Edmund Gosse, "take a very legitimate satisfaction in the final passing of the Deceased Wife's Sister measure. I do not believe that without your ceaseless attention and zeal it would have escaped its very formidable enemies."

Even at 79, he was pressed, and agreed to act as Chairman of a Royal Commission on Whiskey. The long sittings and the wrangles of the doctors bored him considerably, and, as an inferior secretary had been selected, he had to draft himself the major portion of the Report, and did not find the work to be very congenial. He continued to sit too from time to time as a judge in the House of Lords, but took no very active part.

In 1908 Mr. Asquith succeeded Campbell-Bannerman as Prime Minister, and James warmly congratulated his former "devil."

"10, DOWNING STREET,
"WHITEHALL, S.W.
"12 *Ap.*, '08.

"MY DEAR LORD JAMES,

"I have received many congratulations, but none that went more directly to my heart than yours. I shall never have happier days than in those old times which you recall, and there is no one living to whom I owe more than I do to you.

"Yours always affectly.
"H. H. ASQUITH."

"WOODTHORNE,
"WOLVERHAMPTON,
"*Apr.* 20, 1908.

> "I was delighted to receive your kind note of congratulation on my removal to your House. *You* told me of the coming man, the present Prime Minister (H. H. Asquith), whose name was unknown to me, and of whom you said (and I have never forgotten your words), 'He is the biggest brained man except Mr. G. whom I have ever known.' Your estimate is now justified.
>
> "Yours most truly,
> "HENRY H. FOWLER."
> (LORD WOLVERHAMPTON.)

Amongst other interests he was acting as Chairman of the Governing Board of Alexandra House, where daughters of professional men could lodge at inexpensive rates, particularly girls studying at the Royal College of Music. Queen Alexandra took great interest in it, and frequently sent messages about it through Miss Charlotte Knollys.

"BUCKINGHAM PALACE,
"*July* 3.

> "The Queen wishes me to tell you, who have taken such an active part and shown such great interest in Alexandra House, that she was very much pleased with her visit there on Monday."

A blow came in the autumn of 1908, when the Duke of Devonshire, who had for some time been seriously ill, died. His death closed a long friendship, emphasized by a stream of letters, often two or three in each week, in addition to frequent converse. James exerted himself much in raising the funds for the Duke's statue in Whitehall, and his picture at the Devonshire Club, joining with him Mr. Winston Churchill in the arrangements for the collection of the required sum.

"BOARD OF TRADE.
"*Oct.* 19*th.*

"MY DEAR LORD,

"I think the best course will be for us to write a joint letter of appeal to a carefully selected list. Will you draft this letter? And it can then be enclosed with little covering notes from either of us. I will accept the duty jointly with you of administering the fund. Your contribution is certainly very generous.

"Yours very sincerely,
"WINSTON S. CHURCHILL."

It was with true feeling that on the unveiling of the portrait in February 1909 James said of the Duke: "He had played the game fairly. The stakes were high and he had won them. They were on the table before him. But there he let them lie. He passed on and others enjoyed these prizes. But in return a prize of far higher worth was given to him. He gained and held the confidence of the British people. . . . They had seen a long life of duty well done, a career unsullied and unstained, full of honour and rectitude. They knew that no personal matter ever influenced this man, no selfish motive prompted him. They knew that a sense of justice ever controlled him."

"On Monday, Oct. 4, 1909," James noted, "I went to Balmoral. The attention of everyone was directed to the probable fate of Lloyd George's Fiscal Bill in the House of Lords. . . . I think I pleased the King by reminding him that in the speech from the throne, when asking for supply, the Sovereign addresses the House of Commons only. . . The Prime Minister arrived on Wednesday, staying until Friday. I had but little private conversation with him, but we were of good accord in such as we had.

"The King made us sit on either side of him at luncheon on the three days Asquith was there, and seemed much amused by our talk—which was mainly of the days when Asquith was my Devil."

Before going to Balmoral James had written on October 3rd: "If this Budget Bill be rejected what will be the course of events, what will be at stake? I can only state generally that I think I know what the intentions and hopes of the Liberals are. They are hoping for the rejection of the Bill. They will at once dissolve and it may be that every Liberal candidate will be called upon to give pledges to support (1) a re-introduced Budget, (2) measures that will almost destroy the powers of the House of Lords, (3) any address to the Crown praying for an exercise of the Prerogative that may carry out those Liberal views."

There followed in the autumn Session of 1909 the absorbing question of the passage of the Bill through the House of Lords. James took much interest in the subject. Although the House of Lords ultimately threw out the Bill on the ground that, by a process of "tacking," great social alterations were to be intentionally made which ought not to be included in a budget bill, James took the view that the bill was a Finance Bill which the Lords had no right to stop.

He continued to note: "The original intention of the Opposition Leader was not to oppose it in the Upper House. . . . After a Cheltenham College Council meeting I had some talk on the subject with Lord St. Aldwyn. He agreed that it was intended not to oppose the Bill, and also said that the House of Lords would be acting most rashly if they rejected it. But he said, 'They will do it.' The pressure upon the Tory Leaders has been irresistible—the agents, the organizations and the Licensed Victuallers' Trade all demand it. They know nothing of, and care nothing for, Constitutional Law.

"The Debate on the Second Reading took place during the last week of November. Lord Lansdowne made a weak speech in opposition to the second reading. Lord Balfour of Burleigh, Lord Rosebery and Lord Lytton disapproved of the Budget, but objected to the interference of the Lords with finance. I spoke on Nov. 29. My conscience was clear, for I had warned Lansdowne of the course I was about to take. I spoke distinctly and emphatically, denying the competency of the House of Lords to stop Supply, which the rejection of the Bill amounted to—and gave my reasons for so speaking and also for voting with the Government in support of the Bill. Of course it was rejected. 'Damn the consequences,' said Lord Milner. They were serious."

Lord Milner might almost have quoted his words from a letter of Lord Fisher, in which he said: "Our motto has been 'fiat justitia ruat coelum,' or, in vulgar language: 'do right and d—— the odds.'"

> "ARCHERFIELD HOUSE,
> "DIRLETON,
> "*8th Dec.*
>
> "I want to tell you how delighted my husband was with your speech, one of the few he read. He thought you had a great personal triumph, and the vitality and courage you showed filled us with admiration. . . .
>
> "With much affection,
> "I am,
> "Yours,
> "MARGOT ASQUITH."

Politics were left for his shooting week at Breamore, "pleased at shooting woodcock—a right and left," at 81! It was his last shoot, the owner wishing to live there at the close of the term. In February 1910, after nine years' tenancy, James had to leave Breamore, and all the men, women and especially children to whom he had become endeared.

But activities were not ended. He worked at amalgamating the Unionist Free Trade Union with the Free Trade League, of which he had been a Vice-President, and now became President. He acted as Chairman of a Royal Commission on the appointment and qualifications of Justices of the Peace, with a view to settling a question which had been the vexation of Lord Chancellors Herschell and Loreburn, and in the summer he took a new house, Kingswood Warren, Epsom, where during the rest of the year he had many visits from friends, and young people staying with him. In January 1911 he resigned from his favourite Turf Club, but in February he attended the unveiling of the statue of the Duke of Devonshire. In April he made way for Lord Haldane on the Judicial Committee of the Privy Council, but in May he made an award in the Boot and Shoe Trade, and then retired from being Umpire, " a position," wrote the secretaries, " held by you for many years with satisfaction alike to masters and men." There was bright energy almost to the last day. When he laughed over difficulty in lacing up his boots, made a vigorous speech on Constitutional Law, and acted as Chairman of a Royal Commission, men could not believe they could not ask for more work, but the burden of 82 years told, and in June he had to write to Sir Arthur Bigge (Lord Stamfordham), " I am compelled to give up all hope of being able to pay my homage to their Majesties by attending the Coronation," and received a reply full of sympathy.

" Buckingham Palace,
" *June* 11.

" The King was very sorry to read your letter of the 6th instant, for it grieved him to think of you 'sad and weary of spirit,' and it was with much regret that he learnt that you would be unable to attend the Coronation. But His Majesty hopes you may soon be stronger and be restored to your

> former wonderful health and spirits, which were not only a joy to yourself but to your vast number of friends, among whom you can always include His Majesty.
>
> "Believe me,
> "Yours very truly,
> "ARTHUR BIGGE."

I saw him for the last time at the end of July, and on August 10th, 1911, he passed away in peace.

By direction of his will his body lies buried in the ancient churchyard at Breamore, the village he had loved so well.

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